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Methodist Chapel=Property Case.

REPORT OF THE TRIAL OF AN ACTION

**BROUGHT BY JOHN REYNOLDS AND OTHERS,
ON THE PART OF PERSONS CALLING THEMSELVES "THE METHODIST
EPISCOPAL CHURCH IN CANADA,"**

**AGAINST BILLA FLINT, JUN., AND OTHERS,
TRUSTEES OF THE WESLEYAN-METHODIST CHURCH IN BELLEVILLE,**

**TO OBTAIN A CHAPEL IN THE POSSESSION OF THE LATTER
IN THE TOWN OF BELLEVILLE;**

By HARVEY FOWLER, Stenographer.

**TRIED AT THE ASSIZES HELD IN KINGSTON, OCTOBER 11th, 1837,
BEFORE THE HON. MR. JUSTICE JONES.**

WITH BRIEF NOTES AND REMARKS BY E. RYERSON.

**COUNSEL FOR THE PLAINTIFFS,
MR. KIRKPATRICK; MR. DOUGALL.**

**COUNSEL FOR THE DEFENDANTS,
THE HON. W. H. DRAPER, M.P. Sol. Gen.; MR. MURNEY, M.P.**

TORONTO:

PRINTED AT THE CONFERENCE OFFICE.

Jos. H. Lawrence, Printer.

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FOR the "Brief Notes and Remarks," the subscriber alone is responsible. They are altogether distinct from Mr. Fowler's Report of the Trial, and have been added for the information of those who are less familiar with the details of the question at issue. Those who wish to read the Report of the Trial without note or comment will pass over the notes and remarks at the bottom of the pages. An attentive perusal of the evidence, and speeches of Counsel, on both sides, contained in the following Report, will enable the reader to form a correct and enlightened opinion of the pretensions and conduct of those persons who style themselves "The Methodist Episcopal Church in Canada," and of the Ministers and Members of the Wesleyan Methodist Church, and of the causes and grounds of the litigious proceedings of the former against the latter in the courts of law as well as through other agencies.

I beg to invite the particular attention of the reader to the very eloquent and admirable speech of the Hon. Solicitor-General Draper.

E. RYERSON.

KINGSTON, Nov. 1st, 1837.

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Twelve Jurymen having been called and sworn,—

Mr. DOUGALL opened the case on the part of the Plaintiffs. The action, he said, was brought by the Trustees of the Methodist Episcopal Church in Canada against certain persons claiming to represent the Wesleyan body of Methodists, to recover the possession of certain property which had been conveyed to those Trustees for the use of the Society called the Methodist Episcopal Church, under the authority of an Act passed in the year 1828. It would only be necessary for them to show, in the first place, that there was a legal title in those persons through whom the Trustees claim, and, in the next place, that they were Trustees, such as the Statute requires, and capable of taking a conveyance and of holding such lands for the benefit of the Society of which they were such Trustees. What the precise ground of the defence to the present action would be he was not aware: he understood, however, that it was different from that of the case which had been recently decided, viz. the Waterloo case. But, whatever the defence might be, they would be prepared to meet it, and to rebut it by substantial evidence. The Deed, when read to the Jury, as it shortly would be, would be found to be in accordance with the provisions of the Statute.

GUY R. PRENTISS was then called and sworn. He was present, and saw the Deed executed, and is a subscribing witness thereto.

Cross-examined by Mr. Draper, the Solicitor-General.—Does not know who the Defendants to this action are; but has understood that some of the persons named in the Deed as Trustees are now Defendants.

Charles Merriam, sworn.—Certain of those persons whose names appear in the Deed have seceded from the Methodist Episcopal Church. Knows Asa Yeomans, Benjamin Ketcheson, and Gilbert Bleecker, and that they have ceased to be members of the Methodist Episcopal Church. The Rev. John Reynolds has been for many years the stationed minister of that Church in the town of Belleville.

Cross-examined by Solicitor-General.—You say that those three persons whom you have named seceded from the Methodist Episcopal Church?—Yes. When did this happen?—In the latter part of the year 1834; believed it was in the month of September. Are these facts within your own knowledge?—I was a member of that Church at

the time. How did they cease to be members, or secede, as you term it?—By calling themselves by another name; that is, Wesleyans. Do you mean to say that this was the act of those three persons, or of the whole body of Methodists?—It was, I believe, the act of the body. How did it take place? was it not in Conference?—I believe that it was. Where was that Conference held?—At Toronto. Now, was not that Conference held in October, 1833, nearly a year prior to the time of the appointment of the new Trustees?—I think it probable, but cannot say positively. Have you any doubt that it was at that Conference that it took place?—I have no doubt. Sol.-Gen. So that, in point of fact, the secession, if any, took place nearly a year previous to the appointment of the Trustees?—Yes. By whom was this act of assuming a new name treated as an act of secession?—By the Episcopal body of Methodists. Whom do you mean when you speak of the Body; do you mean the persons who profess themselves members of that Church, or do you mean the ministers assembled in Conference?—I mean all the members of that Church.

To a question from the Judge.—Witness did not know of any *meeting of the body* at which it was declared that those persons were seceders, so as to affect their offices as Trustees under the Deed. It was generally understood among them to be the case. Sol.-Gen. You say you know that they ceased to be members of that Church in September, 1834, and that secession was an act which had continued since October, 1833, down to that time. Now, I wish to know what act took place, within your own knowledge, by which that secession was recognized by the Church to which you belonged?—Witness was not aware of any particular act, nor did he ever attend a meeting at which any thing of that nature occurred. Sol.-Gen. Who was the minister in charge of the Church at Belleville in the autumn of 1833?—The Rev. John Davidson. Were you a member of the Church at that time?—I always considered myself a member of the Methodist Episcopal Church. Sol.-Gen. I ask you, Were you under the pastoral charge of the Rev. Mr. Davidson in the fall of 1833?—I expect I was. When did Mr. Davidson cease to be the stationed preacher in charge of the Church at Belleville?—Will not be positive whether it was in 1834 or 1835. Did he continue in charge until January, 1834?—I think he did. Up to that time were you as much a member under his charge as you had been in the fall of 1833?—I remained in that congregation. Did you meet in class and receive your ticket from him?—Yea. Who succeeded Mr. Davidson?—Rev. Mr. Wilkinson. Did you continue to attend the class under him?—I believe I did once. Now, up to the 23d September, 1834, did not the persons named as Trustees in this Deed continue in like manner as you had done?—Yes. Did not Mr. Wilkinson continue in charge of the Church after that period?—He did. Did those persons leave his ministry?—They continued under it. Did you continue?—I did not. Now, did you see those persons, Mr. Reynolds, Mr. Selden, Mr. Bickford, and Mr. Dame, attending that Church between the fall of 1833 and September 1834?—Certainly; part of the time, if not the

whole time. Subsequent to the fall of 1833, did not Mr. Reynolds officiate as minister under Mr. Davidson?—Do not know whether he was under the dictation of Mr. Davidson or not. If he acted as minister at all, must he not have been under the minister in charge?—Cannot say. Was he not a class-leader part of the time, or steward?—Cannot say. When you have been present at love-feast, did you see Mr. Reynolds distributing the elements?—Cannot recollect. Now, after the 23d of September, 1834, did they not withdraw from that Church?—They did. Under the pastoral charge of Mr. Davidson and of Mr. Wilkinson, what was the name of that Church?—The Wesleyan Methodist Church. (1)

Edward P. Boselly sworn. Examined by Mr. Dougall.—Are you aware who was the preacher in charge of the Methodist Episcopal Church in Belleville in September, 1834?—Rev. John Reynolds. Do you recollect when he was appointed?—Some time previous to September, I believe. Were you at the meeting at which he received his

(1) The design in calling Merriam as a witness appears to have been to prove that three of the Trustees named in the Deed, (Messrs. Yeomans, Ketcheson, and Bleecker) who are Members of the Wesleyan Methodist Church, had seceded from the Methodist Episcopal Church, and that John Reynolds was the stationed Minister of the Methodist Episcopal Church at Belleville, and therefore had authority to appoint successors to the seceding Trustees.

He swears that Messrs. Yeomans, Ketcheson, and Bleecker seceded from the Methodist Episcopal Church in September, 1834, by calling themselves by another name, and yet confesses that the name by which they are called was given to the Church in October, 1833—*eleven months before they seceded*!!

He swears that John Reynolds has been for some years the stationed Minister in Belleville, and again swears that Mr. Davidson was the stationed Minister in Belleville, from the autumn of 1833 till 1834 or 1835!!

He swears that he had always been a member of the Methodist Episcopal Church, that is, that he had never been a member of the Wesleyan Methodist Church, and yet confesses that he attended the Church, met in class, and even received his ticket as a member under Mr. Davidson during the whole period of his charge in Belleville, and that the four Trustees of the Episcopal party, (Messrs. Reynolds, Selden, Bickford, and Dame,) did the same as himself until September, 1834,—*seven months after the publication in the *Guardian* of certain regulations respecting Local Preachers to which they objected, and five months after the printing of the present Discipline of the Wesleyan Methodist Church, and twelve months, save ten days, after the consummation of the Union with the British Conference.*

Here then it is proved by the principal of the Plaintiffs' own witnesses that Messrs. Reynolds, Selden, Bickford, and Dame were members of the same Church with Messrs. Yeomans, Ketcheson and Bleecker, that is the Wesleyan Methodist Church, *eleven months after the adoption of the present name*. If then the Defendants forfeited all legal right to Trusteeship of chapel property by remaining with the church under the new name, must not the Plaintiffs have done the same during the eleven months they remained in the same church?—And according to the provisions of every Deed of the Church, when a man ceases to be a Member of the Church, he ceases to be a Trustee; and he cannot, of course, become one again, any more than any other individual, unless appointed in the manner pointed out in the Deed.—Thus are the pretensions of the Episcopal party refuted by the testimony of their own chief witness, let alone the worthlessness of his evidence in other respects from its palpable self-contradiction.

appointment?—I was. Where was that meeting held?—In the Third Concession of Sidney. Was it a Conference?—It was a Quarterly Meeting Conference. Do not recollect the day. Cannot say that any of the proceedings were reduced to writing. Do not know whether the Discipline of the Wesleyan Church had been published at that time. Believe it had not. Was not aware of what that Discipline was to contain until I had seen a copy. Think it was in the latter end of the year 1834 that I first saw it. Do not recollect whether the resolution appointing Mr. Reynolds to the charge of the Church at Belleville was in writing or not. Mr. Reynolds, however, accepted the charge. There was another preacher at the Meeting, Rev. Joseph Gatchell. Was not present at the Meeting at which the new Trustees were appointed. Believes the proceedings of that Meeting were in Mr. Reynolds' handwriting.

The COURT wished to understand whether this was the way, by the Discipline, in which such appointments were to be made? SOL.-GENL.—They must show that it is the way before they can proceed another step.

Mr. KIRKPATRICK—We submit that we are not bound to enter into this fact at all. Whoever was the stationed preacher at the time had an undoubted right to make the appointment, and we have shown that it was done by him.

Mr. KIRKPATRICK here read the provision for the appointment of Trustees.

The JUDGE—I have understood from a former witness that Mr. Davidson was in charge at this time.

Mr. DOUGALL—Of another church, my Lord. According to the terms of the Deed, the nomination of Trustees to succeed such as cease to act, is to be made by the stationed minister in charge. This, we have shown, was done. (2)

(2) What a quibbling and misstatement is here on the part of both the counsel for the Prosecutors! Who ever heard but of one Methodist Church or Chapel in Belleville, in 1834, or even at the present time, in the charge of which a minister could be stationed? Merriam had first sworn that Mr. Reynolds had been some years the stationed minister in Belleville, afterwards that Mr. Davidson was the stationed minister in charge of the Methodist Church in Belleville from the autumn of 1833 till 1834 or 1835; and now the counsel for the Prosecutors say, that it was another Church!

It is true, as Mr. Dougall states, that "the nomination of Trustees to succeed such as cease to act, is to be made by the *stationed Minister in charge*;" but who is that Minister in fact or in law? Is he any person who may pretend to be so, or who is asserted to be so? Or is he a person who has been appointed according to the Discipline of the Church as stated in the Deed? The question then is, was Mr. Reynolds thus appointed, as *stationed Minister in charge of the Church in Belleville*? That he pretends to have been thus stationed, and that the Episcopal party have thus represented him, is notorious; and so they pretend that he was duly elected and ordained Bishop, but this does not prove either the one or the other. The Defendants deny the truth of the latter of these preten-

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Witness cross-examined by the SOLICITOR-GENERAL—You have heard the evidence which was given here that Mr. Davidson was the minister in charge up to the fall of 1834?—I do not think it is correct. Was there any other minister in charge of the Church at Belleville at that time? *Witness*—Do you refer to the Episcopal or to the Wesleyan Church? SOLICITOR—I want to understand from you whether any other minister besides Mr. Davidson was officiating in charge of the Church at Belleville; I believe you are quibbling with me? *Witness*—You need not accuse me of that. SOLICITOR—From the month of October, 1833, what minister was officiating in the Methodist Church in Belleville?—Mr. Davidson. Had any other minister any authority?—Not to my knowledge. Was there any other that interfered with him?—Not that I am aware of. (3.) *Witness* then proceeded to state, that, previous to this time, he and Mr. Bird had conversed upon the subject of the union, together with Mr. Dame, and they had agreed to remain Episcopal Methodists, and Mr. Reynolds told them he would take the charge of them. Mr. Reynolds said he hoped there would be a sufficient number to make a prayer-meeting. This took place in May 1834. (4) *Witness* had continued up to that time under the ministry of Mr. Davidson, and even afterwards, when Mr. Wilkinson was stationed there, occasionally attended, though not as a member of a class.

sions, and contend that Mr. Davidson, or after him Mr. Wilkinson, was the stationed Minister in charge of the church in Belleville; yet the Plaintiffs' counsel say, they have nothing to do to prove whether Mr. Reynolds was appointed according to the Discipline or not? If Reynolds was not appointed according to Discipline, it is as clear as day that he could not have been the "stationed Minister in charge" according to the provisions of the Deed; and therefore was no stationed Minister at all, and could not have lawfully nominated Trustees. The "fact" then which Mr. Kirkpatrick submitted they were "not bound to enter into," lies at the very foundation of their claims; and their refusal to "enter into it" was clearly an admission that they could not prove it, and therefore that their pretensions were futile and unjust. And what is extracted from Boselly himself, in his cross examination, as clearly shows that Mr. Reynolds was not the stationed Minister in Belleville according to the Discipline.

(3) This witness had denied the correctness of Merriam's evidence as to Mr. Davidson's being the "stationed Minister of the Methodist Church in Belleville," and here admits that he himself had no knowledge of any other Minister being stationed there but Mr. Davidson!

(4) Here, according to the Prosecutors' own witness, is the origin and foundation of that "Methodist Episcopal Church in Canada" to which they belong; in addition to which, it will be seen, that this very witness admits, in the course of his cross examination, that all the prosecuting Trustees, as well as himself, continued outwardly members of the Wesleyan Methodist Church for months after this conversation, by conforming in the same manner that they had done in former years to all its disciplinary regulations, though inwardly he did not consider himself a member of the Church; that is, he and the Prosecutors were not inwardly what they outwardly professed to be. Hypocrisy, is defined by Dr. Johnson, to be "appearing differently from the reality." It is truly lamentable to see persons under the solemnity and awfulness of an oath, in order to get possession of a Chapel, avowing themselves to have been hypocrites for nearly a twelve-month.

SOLICITOR—Did not your name appear upon the class-paper as member of a class?—Not with my consent. I never considered myself a member of a class under Mr. Davidson's ministration. Did you not leave Mr. Davidson to suppose that you considered yourself a member of a class by allowing your name to be on the class-paper, and by attending the meetings of the class?—I do not know what Mr. Davidson supposed. I expressed my views frequently upon the subject, though not to Mr. Davidson himself. How can you account for the fact of your attending a church of which you were not a member and never intended to be a member?—It is very customary for people to attend churches to which they do not belong. SOL.—But it is not customary for them to attend class-meetings, I believe; now I would wish you to state whether it is any part of the Discipline that those who attend classes should profess themselves members?—I think the rule says they must be members. And you were aware of this rule at the time we are speaking of?—Yes. Now, I would like to ask you, whether, in August 1834, you had any conversation with Mr. Wilkinson?—I had. Just relate to us what that conversation was?—I told him my intention not to go with the Church. Did you state that you intended to withdraw?—Not exactly that. Did you, in point of fact, withdraw yourself from the Church of which Mr. Davidson and Mr. Wilkinson were the stationed ministers; and when did you so withdraw?—I have already said that I never considered myself a member of the Wesleyan Church. After the Conference of 1833, in Toronto, I considered that they seceded. Yet you continued to attend the ordinances of that Church as a member?—I attended preaching and class-meetings, and received one ticket, and on receiving it asked Mr. Albert Taylor, the local preacher, whether receiving the ticket would constitute me a member. Do you believe that a ticket would be given to a person who was not a member?—I believe they have done it. SOL.—I suppose you know something about the Discipline. Now, could a minister do so?—I think it is illegal. Did you not know it then just as much as you do now?—I have studied the Discipline since more than before. Is there not a distinction between a note of admission given to a stranger and a ticket given to a member?—I believe there is. Is there not usually a text of scripture upon the ticket, with the name of the Church?—As to the name of the Church, I cannot say positively. Did you ever receive a ticket with the name of the Church upon it?—I do not know that I ever received any ticket but one. Was that printed or written?—It was printed. Well, now, upon your oath, was not the name of the Church printed upon that ticket?—I cannot tell. Have you got that ticket?—I have not. I do not know what has become of it. Was the name of the minister signed to it?—I believe that is always the case. Now, to put all together, you received a ticket from Mr. Davidson, upon which the name of the Church was printed, and to which his name was signed, and it was addressed to yourself?—Yes. When was this?—My memory does not exactly serve, but I think it was in the latter part of 1833. Was it after the Conference held in Toronto?—Yes. Now, you say Mr. Reynolds was

made stationed minister; when was he appointed?—I think it was sometime in the latter part of August 1834. Do you recognise the Discipline of 1829?—Yes. Was it competent under that Discipline for a Quarterly Meeting Conference to make such an appointment?—I do not know whether it is competent or not. I believe that in certain cases the Presiding Elder has the power of filling up vacancies. Was this a General or an Annual Conference?—It was neither. Now can either a Bishop or Presiding Elder appoint a stationed Minister except at a General or Annual Conference?—I stated that they had power to fill up vacancies I thought. Who was the Presiding Elder at that meeting?—Mr. Gatchell. Did you not know that he was a Superannuated Preacher of the Wesleyan Methodist Church?—I did not. Did you not know that he received an allowance as a Superannuated Minister?—I did not of my own knowledge, I had heard that it was the case. Could he as a Superannuated Preacher be a Presiding Elder?—I cannot say. I believe they sometimes superannuate for a time on account of their health, and are afterwards restored to their offices. Do you know whether Mr. Gatchell was ever appointed a presiding Elder?—I do not know. Did there exist a Conference, Annual or General, of the Episcopal Methodists at that time?—I cannot say. Do you not know that a Conference of Episcopal Methodists was formed after the time of that meeting?—I have understood that there was a Conference held previous to that Meeting. Have you not seen Minutes of a Conference of the Church to which you profess to belong, which was held subsequently, and bearing the heading “*First Conference?*”—Not to my recollection. Do you know the last witness?—Yes. Was he a Minister?—Not at all, he is a lay member. Have you ever seen Mr. Reynolds attending under the Ministry of Mr. Davidson, after the Conference of 1833?—I have seen him attend, but not so commonly as before. Did he attend as a member?—I have seen him attend as a hearer; previous to that he had been in the habit of preaching. Did you not yourself see him afterwards officiating as Steward at Love-feast?—I have no recollection of it.—Now with regard to Mr. Selden?—He was a more constant attendant I believe. And Mr. Bickford, (he was your Leader I believe) and he continued under Mr. Davidson?—Yes. And Mr. Dame?—He was in the habit of attending, but told me that he was resolved to continue an Episcopal Methodist. After Mr. Wilkinson was appointed to the station I only attended two or three times, and cannot say whether they attended or not. Were Mr. Bickford and Mr. Dame appointed Delegates to attend a Conference in Kingston in 1834?—I believe they were. Of what Church was that Conference?—Of the Wesleyan. Was there an application made through those Delegates for the removal of Mr. Davidson from the Belleville station?—There was. Did you sign a petition to that effect?—I did. Was not that petition addressed to the Conference?—It was. Now by what authority did you sign that petition, if you did not belong to that Church. Is it usual for a person not professing to be a member of a Church to take a part in proceedings of that nature?—I have heard of such things. I did not consider that there could be any

official character affixed to that petition, I believed I might sign it without doing so as a member of the Church. (5)

Direct examination resumed.—Witness knows the distinction between Wesleyan and Episcopal Methodists, and considered that whilst the Episcopal Church was in existence, it was the one to which he belonged, and that no body of men had the power of transferring him to another without his consent. Although witness attended the Church called the Wesleyan, while the negotiations for an Union were going on and ever afterwards until their Discipline was published; yet as soon as it was published, he at once decided to remain Episcopal. Never requested that his name should be entered as a member of the Wesleyan Church.—Witness knew that Mr. Flint, before he belonged to the Church at all, was in the habit of meeting in class, but whether he received his Ticket cannot say. Understood that Mr. Flint before he came to Belleville belonged to the Presbyterian Church, but there being no Presbyterian Church at Belleville placed himself under the watch care of the Methodist Church. (6)

This closed the evidence on the part of the Plaintiffs.

The SOLICITOR GENERAL then stated that he should take exception to the case as made out by the Plaintiffs, inasmuch as they had not proved, as they were bound to do, that the persons who were originally Trustees had ceased to be so, nor that those whom they claim to be Trustees in their room had been appointed in accordance with the tenor and effect of the Deed. That the Statute does not make them a corporation, but only gives them authority to use a corporate name, and it therefore rests with them to shew that the persons they have named as Trustees, and no others, are the legal Trustees. These objections being recorded—

(5) It was stated in Court, that the petition here referred to was not only addressed to the Wesleyan Conference, but professed to be from the "undersigned members of the Wesleyan Methodist Church in Belleville"—signed by all the Prosecutors and carried by two of them as "Delegates" to the Conference.

(6) The discrepancies between Boselly's evidence and that of Merriam, and his self-contradictions, are too numerous and obvious to require any particular notice in these brief notes. Yet such is the evidence upon which the Prosecutors proposed to rest their case. Such indeed, it appears, is the only kind of evidence they could procure to support it. And from this their own evidence three facts are fully established, which, it is submitted, is sufficient to secure a verdict for the Defendants from any impartial and judicious tribunal. 1. That all the Prosecutors were, (as far as it is possible for any but the Searcher of hearts to distinguish members of the church from others) members of the Wesleyan Methodist Church, at least, eleven months after the consummation of the Union and adoption of the present name, by the Conference held in Toronto, October 1833. 2. That during this time not one of them was known to have objected to the Union, or to the modification of the Episcopacy; but to the superintendency of Mr. Davidson, and certain regulations respecting Local Preachers, which were concurred in by three-fourths of the official lay members of the church throughout the Province months after the completion of the Union, and before said regulations became a part of the Discipline. 3. That Mr. Reynolds was in no one particular the "stationed Minister in charge of the church in Belleville," according to the Discipline, and intent of the Deed.

The SOLICITOR GENERAL proceeded to address the Jury.

May it please your Lordship:

Gentlemen of the Jury,—

From the very brief manner in which the case has been opened by the learned Counsel for the Plaintiffs,—although it appears he afterwards changed his mind, and thought it necessary to go a little further—from the very short, and, I might almost say, light manner, in which the learned Counsel treated the case, one might have supposed that it was really one which required little attention or explanation. I confess I feel very differently with regard to its importance. I look upon it as an action of the greatest interest upon which a Jury can be called to decide. It involves rights in which a large body of persons are deeply interested, and I cannot myself treat it otherwise than as a case which requires the greatest possible care and circumspection on the part of those with whom rests the duty of determining it. Feeling that there is a most serious responsibility attending the decision you are to give, it will be my duty,—even at the risk of being thought tedious,—to go so fully and minutely into its particulars, that you may have before you every thing which is necessary in order to do complete justice between the parties,—to arrive at the very truth and right. If you consider, with me, that your decision this day will affect the religious faith and worship of all those who are Members of the Wesleyan Church in this Province and elsewhere, I am sure you will bear with me patiently while I endeavour to unfold the different bearings of the question, without which it will be impossible to arrive at a correct conclusion. My sole object will be to make the question as clear and comprehensible as my humble abilities will allow me to do—to keep back nothing—leave nothing obscure that I can make plain—but, conscious that I am advocating the truth, endeavour to lay the *whole* truth before you.

I ask, therefore, a patient and attentive hearing: I ask an unprejudiced hearing,—I ask that you discharge from your minds all that you have heard out of doors respecting this matter, and endeavour to arrive at the truth from the testimony which shall be here produced. Great and important, as regards the interests of this Province, are your duties; and it is therefore incumbent on you to exercise those functions with which the law has entrusted you in a spirit of calm and dispassionate investigation, in a spirit of candour, in a spirit of truth. I remind you of this, not because I would intimate a doubt as to the correctness with which you will discharge your duties, but because I feel it absolutely necessary to guard against every possibility of falling into error—to provide against difficulties that perhaps may not exist—and to anticipate objections which possibly may never be raised. Having made these preliminary observations, I will now state the grounds on which our defence will rest.

There can be no doubt that, in the year 1828 or 1829, after the separation from the Methodist Episcopal Church in the United States, all parties, both Plaintiffs and Defendants in this action, formed one and the

same body of Christians. On the part of the Plaintiffs it is contended, that they constitute that Church, and that the Defendants have seceded from them. On the part of the Defendants it is contended, that *they* still are, as unquestionably they were, that Church ; and, on the decision between these two conflicting claims, depends the determination of the present question,—Who have the right to the Church property ? With a view, then, to lay the whole case before you in as clear a light as possible, I propose to sketch briefly the rise and progress of Methodism in England, its establishment in the United States, and its existence in this Province ; then taking a view of the conduct of the Plaintiffs in this case, and examining the rules of Church-government, to demonstrate that the Defendants had a right to treat the Plaintiffs as seceders from their Church. Mr. Wesley, the Father and Founder as well of the Wesleyan Church in England as of the Methodist Episcopal Church in the United States, was a member of the Church of England. Animated by a spirit of pious devotion, which never can be thought of without the highest respect and veneration, he exerted himself to produce among those over whom he exercised his pastoral functions (for he was a Minister of the Gospel) the same feeling of piety, and to induce them to enter more deeply into the spirit of those doctrines, of which, he had reason to fear, they were only formal professors. For a length of time no one of his followers felt himself entitled to officiate in all the duties of a Minister but those who had received regular ordination as he had done from a Bishop of the Church of England. Nor did they at first contemplate setting themselves apart from that Church, but only to lead more pious and godly lives than they had previously done—professing the same faith, believing the same doctrines, and using the same ordinances. As their numbers increased it became necessary that they should adopt, from time to time, for their internal government, certain distinct regulations ; and those regulations were suggested principally, if not entirely, by Mr. Wesley himself, who, until his death, was always treated and looked upon as the Father and Founder of their body. Never was his authority either doubted or denied ; but, on the contrary, every thing which was done was done under his superintendance, and with his express sanction. Though not a Bishop in name, yet he was one most emphatically in authority. By degrees, the extension of their members rendered an increase of their ministers indispensable ; and, as an inevitable consequence, the ordination of such ministers by those not holding the episcopal office, as ordination could not be obtained from the hands of the Bishops of the Church of England, led to a gradual separation from that establishment, and the formation of a distinct body of christians. From the time Mr. Wesley associated his friends and followers together it became necessary, as I have already said, to adopt rules and regulations for their government ; and the most prominent and leading feature in that government was the establishment of Itinerant Preachers as the superintending body of the Church. Now I wish to draw your attention more particularly to this fact, because I lay it down as an axiom that to these Ministers alone was the government of the

Church confided, and that the Lay-members had no voice whatever, either in the formation of the rules and discipline, or in the government of the Church itself. With regard to the laity, there never was and never could be, any compulsion exercised towards them to make them become members; but when they did so, they at once put themselves under the control and superintendance of those ministers. As to this fact, I think I shall be free from contradiction; indeed, I challenge contradiction. With this principle in view, I shall proceed to an enquiry of great importance in the consideration of the present case. It is this: What were the views entertained by the early Methodists as to the necessity of Episcopacy in the constitution of a Church? or, in other words, was Episcopacy considered as a distinct and essential order by their articles of faith?

Now, with regard to Episcopacy as a necessary mode or form of Church Government, if it be a part of the *faith and doctrine* of Methodism, it must have been a part when Methodism was founded. But, if I establish that it was not then so consider'd, and further, that even the form of it was not adopted, then I shall, at least, have thrown it on the other party to show when and by what means it became a *doctrine* of Methodism, a fundamental article of *faith*. To establish this view, I shall cite an authority—and the best and highest authority which can be produced—namely, that of Mr. Wesley himself, as contained in a letter written by him in 1786:—

“As to my own judgment, I still believe “the episcopal form of Church government to be scriptural and apostolical.” I mean, well agreeing with the practice and writings of the Apostles. But that it is prescribed in Scripture, I do not believe. This opinion, which I once zealously espoused, I have been heartily ashamed of ever since I read Bishop Stillingfleet’s “Irenicon.” I think he has unanswerably proved, that “neither Christ nor his apostles prescribe any particular form of Church government; and that the plea of divine right for diocesan episcopacy was never heard of in the Primitive Church.”—(*Wesley’s Works*, vol. 13, p. 179.)

Now, a more marked and conclusive expression of opinion than this could hardly be couched in the English language. No one reading it will venture to assert that Mr. Wesley treated Episcopacy as a matter of faith or doctrine. He states distinctly that it is proved that neither Christ nor his apostles prescribe any particular form of Church government; and that the plea of divine right for diocesan episcopacy was never heard of in the Primitive Church.

I allude to this to shew that Mr. Wesley considered it matter of form only, and not matter of substance. So far as Scriptural provisions went, it was, in his opinion, a matter of perfect indifference. But I will cite to you another passage from Mr. Wesley’s writings to shew that it was not on one occasion, only, that he entertained these opinions.

“Concerning diocesan episcopacy, there are several questions I should be glad to have answered: (1.) Where is it prescribed in Scripture?

(2.) How does it appear that the Apostles "settled it in all the Churches they planted?" (3.) How does it appear that they so settled it in any, as to make it of perpetual obligation? It is allowed, "Christ and his Apostles did put the Churches under some form of government or other." But, (1.) Did they put all Churches under the same precise form? If they did, (2.) Can we prove this to have been the very same which now remains in the Church of England?"—*Vol. XIII. p. 182.*

He asks these questions for the purpose of showing that Episcopacy was not an ordinance of Divine prescription. I will also shew, from the writings of some of the most eminent divines of the Church of England, of that or of any age, that Episcopacy, as a distinct order from that of Priests or Elders, was not considered by them a point of faith. I will cite a name which all must venerate, a martyr who perished at the stake for the cause of religion, Archbishop Cranmer. Be it remembered, (and I am obliged to my Reverend friend for the suggestion,) that Cranmer was the writer and compiler of the Homilies of the Church of England:—

"In the reign of Edward VI, about the year 1547, a very grave and learned assembly of select divines, was called by the King's special order, for debating the settlement of things according to the word of God, and the practice of the primitive church. It consisted of Cranmer, archbishop of Canterbury, the archbishop of York, and many other prelates and divines of the first distinction. The account of their proceedings, Dr. Stillingfleet assures us he took himself from the authentic manuscript of Archbishop Cranmer, then first published. To the questions propounded to the assembly by order of the King, those eminent divines gave in their answers severally, on paper; which were all accurately summed up and set down by the Arch-bishop of Canterbury himself.—The following were some of the questions and answers:—

"Quest. 10. 'Whether bishops or priests were first; and if the priests were first, then the priest made the bishop?'"

"Ans. 'The bishops and priests were at one time, and were not two things, but both one office in the beginning of Christ's religion.'—*Emory's Defence of "Our Fathers"* p. 34.

"Lord King's account of the Primitive Church convinced me, many years ago, that Bishops and Presbyters are the same order, and consequently have the same right to ordain."—*Moore's Life of Wesley*, p. 327.

Showing that the priests exercised the functions and authority of Bishops. But I have not yet done with this point. I will cite other authorities of the same nature:—

"It ought to be understood," says Dr. Samuel Miller, "that among those who espouse the episcopal side there are three classes.

"The first consists of those who believe that neither Christ nor his apostles laid down any particular form of ecclesiastical government to which the church is bound to adhere in all ages. That every church is free, consistently with the divine will, to frame her constitution agreeably

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to her own views, to the state of society, and to the exigencies of particular times. These prefer the episcopal government, and some of them believe that it was the primitive form; but they consider it as resting on the ground of *human expediency* alone, and not of *divine appointment*. This is well known to have been the opinion of Archbishops Cranmer, Grindal, and Whitgift; of Bishop Leighton, of Bishop Jewel, of Dr. Whitaker, of Bishop Reynolds, of Archbishop Tillotson, of Bishop Burnet, of Bishop Croft, of Dr. Stillingfleet, and of a *long list* of the most learned and pious divines of the Church of England, from the reformation down to the present day."—Emory's *Defence of "Our Fathers,"* pp. 5, 6.

"I assert," says Dr. Stillingfleet, "any particular form of government agreed on by the governors of the church, consonant to the general rules of Scripture, to be by divine right; that is, God, by his own laws, hath given men a power and liberty to determine the particular form of church government among them. And hence it may appear, that though one form of government be agreeable to the word, it doth not follow that another is not, or because one is lawful, another is unlawful; but one form may be more agreeable to some parts, places, people and times, than others are. In which case, that form of government is to be settled which is most agreeable to the present state of a place, and is most advantageously conducive to the promoting the ends of church government in that place or nation."—*Irenicum, pp. 9, 10, 2d edit. Lond. 1662.*

You may, perhaps, ask why I cite the opinion of members of the Church of England upon the question; I answer that Mr. Wesley himself, upon the first institution of the Methodist body, did not contemplate an absolute separation from that church, but a practice and life in stricter conformity with what they believed its doctrines. In his and their opinion, then, Episcopacy was a form of church government to be adopted or not, as circumstances required,—but not essential to be believed in. To this I may add, that these opinions are quoted with approbation by Dr. Emory—late Bishop of the Methodist Episcopal Church in the United States—as expressing the views of that body also on these points.

I will further read to you, as bearing on this and other points, a letter from a book published by authority of the Methodist General Conference in the United States, a work which the Plaintiffs in this action must of course, admit to be of some credit. The writer of the letter was the Rev. Wm. Watters, a highly respectable and useful Methodist Minister, both before and after the introduction of the Episcopal form of government:—

"MY DEAR BROTHER,

"That there should be those who through prejudice think the Methodists, since they have had bishops among them, are quite a different people, is not strange. But is it not strange that those who have known them from the beginning, should admit such a thought, till they have investigated the matter thoroughly? All must know that names do

not at all. *ture of things.* We have from the beginning had one among us who has superintended the whole work. At first this person was solely appointed by Mr. Wesley, and called the general assistant; at a time when there were none but European preachers on the continent. But why was the name of the general assistant ever changed? All that will open their eyes may know why. The Methodists in England and America formerly did not call themselves a particular church; but a religious society in connexion with different churches, but mostly with the Episcopal Church. After the Revolutionary war, the Episcopal clergy became very scarce, and in far the greatest number of our societies, we had no way of receiving the ordinances of baptism and the Lord's supper. It was this that led many of our preachers, as you well know, to take upon them the administration of the ordinances.—Mr. Rankin, who was our first general assistant, after staying the time in this country he came for, returned home. This was at a time when we had no intercourse with England, and Mr. Asbury, the only old preacher that determined (in those perilous times) to give up his parents, country, and all his natural connexions, was finally and unanimously chosen by the preachers (assembled in conference) our general assistant. He continued such, until the year 1784, when the doctor (Coke) came over, and not only the name of the general assistant was changed to that of superintendent, but we formed ourselves into a separate church. This change was proposed to us by Mr. Wesley, after we had craved his advice on the subject; but could not take effect till adopted by us: which was done in a deliberate formal manner, at a conference called for that purpose: in which there was not one dissenting voice. Every one of any discernment must see from Mr. Wesley's circular letter on this occasion, as well as from every part of our mode of church government, that we openly and avowedly declared ourselves episcopalians; though the doctor and Mr. Asbury were called superintendents. After a few years, the name from superintendent was changed to bishop. But *from first to last*, the business of general assistant, superintendent, or bishop, has been *the same*: only since we have become a distinct church, he has, with the assistance of two or three elders, ordained our ministers. His business it is to preside in our conferences, and in case of an equal division on a question, he has the casting vote; but in no instance whatever, has he a negative, as you are told. He has also the stationing of all the travelling preachers, under certain limitations. Which power, as it is given him by the General Conference, so it can be given, or taken from him at any time conference sees fit. But while he superintends the whole work, he cannot interfere with the particular charge of any of the preachers in their stations. To see that the preachers fill their places with propriety, and to understand the state of every station, or circuit, that he may the better make the appointment of the preachers, is no less a small part of his duty; but he has nothing to do with receiving, suspending, or excluding members; this belongs wholly to the stationed preacher and members."—*Watters' Memoirs*, p. 103.

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I mean also to show—and it forms an important feature in this case—that in forming themselves into a separate church they intended a separation, not from the *Wesleyan Church* in England, but from the *Church of England*, of which they had previously considered themselves a branch. On this I shall adduce the authority of the Rev. Ezekiel Cooper, for some time elected by the General Conference as their Editor and Book-Agent:—

"The Conference met," says Mr. Cooper, "Dec. 1784. It was unanimously agreed that circumstances made it expedient for the Methodist societies in America to become a *separate body from the Church of England*, of which, until then, they had been considered as members. They also resolved to take the title, and to be known in future by the name of The Methodist Episcopal Church. They made the episcopal office elective,—Mr. Asbury was unanimously elected, and Dr. Coke was also unanimously received, jointly with him, to be the superintendents, or bishops, of the *Methodist Episcopal Church*."—*Cooper on Asbury*, pp. 108–109.

These extracts I think shew pretty clearly that they contended with great consistency that the form of Episcopacy was not an essential;—that they had always the substance, whether they had the name or not;—and that, on the formal establishment of Episcopacy, they separated, not from the Wesleyan body, but from the Church of England. Mr. Wesley himself entertained the same opinion; and he entertained it after he had seen the astonishing progress and flourishing state of the Church which he had established. Mr. Wesley lived to a very advanced age; and you are doubtless aware that when a man arrives at the age to which he had then attained, he must begin to feel its attendant infirmities. His mind, however, continued to retain all its usual strength and energy to the last. The letter which I am now going to read to you was written to the Rev. Ezekiel Cooper, by Mr. Wesley, only twenty-nine days before his death, and nearly six years after the establishment of Methodist Episcopacy, and shows the oneness of the English and American bodies. After mentioning his advanced age, &c., he says,—

"Probably I should not be able to do so much, did not many of you assist me by your prayers. See that you never give place to one thought of separating from your brethren in Europe. Lose no opportunity of declaring to all men that the *Methodists are one people in all the world*, and that it is their full determination so to continue,—

"Though mountains rise, and oceans roll,
To sever us in vain."

I am now going to show you the manner in which they proceeded, when at last it was considered advisable that Episcopacy should be established as a form of Church government; and surely my clients were entitled to the same courtesy which was exercised at that time towards those who disapproved of the steps they were about to take. And it is important for you to consider that when this change took place—and a

material change it must be allowed to be,—with the Conference, under the sanction of their founder, Wesley, rested the sole authority.

In support of this view, I shall lay before you a letter of Mr. Wesley's, addressed to Dr. Coke, Mr. Asbury, and the Methodist Societies in North America ; and other undeniable authorities :—

“ BRISTOL, Sept. 10, 1784.

“ By a very uncommon train of providences, many of the provinces of North America are totally disjointed from their mother country, and erected into independent states. The English Government has no authority over them, either civil or ecclesiastical, any more than over the States of Holland. A civil authority is exercised over them, partly by the Congress, partly by the Provincial assemblies. But no one either exercises or claims any ecclesiastical authority at all. In this peculiar situation, some thousands of the inhabitants of these States desire my advice ; and, in compliance with their desire, I have drawn up a little sketch.

“ Lord King's account of the Primitive Church convinced me, many years ago, that Bishops and Presbyters are the same order, and consequently have the same right to ordain. For many years, I have been importuned, from time to time, to exercise this right, by ordaining part of our Travelling Preachers. But I have still refused, not only for peace sake, but because I was determined, as little as possible, to violate the established order of the National Church to which I belonged.

“ But the case is widely different between England and North America. Here there are Bishops who have a legal jurisdiction. In America there are none, neither any parish Ministers. So that, for some hundred miles together, there is none either to baptize or to administer the Lord's Supper. Here, therefore, my scruples are at an end ; and I conceive myself at full liberty, as I violate no order, and invade no man's right, by appointing and sending labourers into the vineyard.

“ I have accordingly appointed Dr. Coke and Mr. Francis Asbury to be joint Superintendents over our brethren in America ; as also Richard Whatecoat and Thomas Vasey, to act as Elders among them, by baptizing and administering the Lord's Supper.

“ If any one will point out a more rational and scriptural way, of feeding and guiding these poor sheep in the wilderness, I will gladly embrace it. At present, I cannot see any better method than that I have taken.

“ It has, indeed, been proposed, to desire the English Bishops to ordain part of our Preachers for America. But to this I object, (1.) I desired the Bishop of London to ordain only one, but could not prevail. (2.) If they consent !, we know the slowness of their proceeding ; but the matter admits of no delay. 3. If they would ordain them now, they would likewise expect to govern them. And how grievously would this entangle us ? (4.) As our American brethren are now totally disentangled both from the State and from the English hierarchy, we dare not entangle them again either with the one or the other. They

are now at full liberty, simply to follow the Scriptures and the Primitive Church. And we judge it best, that they should stand fast in that liberty wherewith God hath so strangely made them free.

"JOHN WESLEY."

My next authority is the Rev. Dr. Bangs, who holds the following language :—

"After unfolding the plan, the execution of which was intrusted to Dr. Coke by Mr. Wesley, it was unanimously agreed by those preachers present, to assemble a General Conference with all convenient despatch. This was accordingly done. The conference was opened on Christmas eve, in the city of Baltimore, in the year 1784. Although the whole number of preachers at that time amounted to eighty-one, only sixty were assembled, owing, most probably, to the shortness of the notice, and the difficulty of communicating intelligence of the contemplated arrangement, over such a vast tract of territory. In this assembly the plans for the future government of the Methodist Societies in America, were fully unfolded to the preachers; and their general principles were received very unanimously."—*Bangs' Vindication of Episcopacy*, p. 91.

Here two or three things strike me as very important; first, the Conference had the authority to introduce Episcopacy; and, secondly, it was competent for sixty-one members to do it, although the members of the Society did not even know that a measure of that kind was going forward. They did not think it necessary to consult the laymen, and send round to know whether they were agreed. The sixty-one members of the Conference claimed the authority of making this important change, without the concurrence of the laity at all;—for the plain reason that it was considered only as a prudential regulation of Church government, principally affecting the Preachers; and not a change of any doctrine or article of faith. This view is sustained also by Dr. Emory as follows:—

"If it be objected that those proceedings took place among the preachers only; we answer: This was, undeniably, in accordance with the original principle on which the Methodist Societies had been gathered, and united by the preachers; who determined on what principles of discipline and of administration they would devote themselves to take charge of, to guide, and to serve those who, *upon these principles*, chose to place themselves under their care, and especially upon what principles they could feel themselves at liberty to administer to them the ordinances."—*Emory's Defence of "Our Fathers,"* pp. 70, 71.

This, gentlemen, is the doctrine and the authority by which that Church has been governed since its formation. They considered it advisable to keep up the connexion which had always existed with the English Methodists, as forming themselves into a separate church would, they believed, have a tendency to reduce their usefulness, and lead them from the itinerant superintendency, which is the main feature in Methodism. So it was viewed by Mr. Wesley, and strongly viewed. He was fearful for some time, that an indiscreet act might involve them in em-

barrassment. The measure was, however, adopted, the Episcopacy was formed, and afterwards we have Mr. Wesley's letter, praying that they might never separate themselves from the Wesleyan Church in England. This shows that they then formed but one church, though they had different forms of government. (*See p. 19.*)

Now if it be necessary to prove more clearly than I have done the identity of the two churches, there are many passages with which I might weary you, but I will cite one or two only. In Dr. Coke's Journals, (London Edition, 1790, p. 106,) may be found the following entry :

"On the 9th of March," [1789,] "we began our conference in Georgia. Here we agreed, (as we have ever since in each of the conferences,) that Mr. Wesley's name should be inserted at the head of our Small Minutes, and also in our form of Discipline :—In the Small Minutes, as the fountain of our EPISCOPAL office ; and in the form of Discipline as the father of the *whole work*, under the divine guidance. To this all the conferences have cheerfully and unanimously agreed."

Accordingly, in the published Minutes of the Methodist Episcopal Church for 1789, and onward, I find the following :—

"*Ques.* 7. Who are the persons that exercise the Episcopal Office in the Methodist Church in Europe and America ?

Ans. John Wesley, Thomas Coke, Francis Asbury."

Thus they declared themselves to be separate from the Church of England, but acknowledged themselves still in connexion with the Wesleyan Church in England. And there has never been an act since except in conformity with the doctrines of Mr. Wesley. And such are the doctrines, feelings, and views, entertained with respect to the Episcopal Methodists in the United States by the Wesleyans in England ; as will appear from the following Resolution passed at the English Conference held at Liverpool in 1820 :—

"The Rev. John Emory, having been introduced to the Conference as the accredited Representative in our Body of the General Conference of the Methodist Episcopal Church in the United States of America, presented a letter from that Conference, and gave an interesting and encouraging statement of the prosperity of the work of God in the United States ; which account the Conference received with much satisfaction, and unanimously agreed to the following Resolution on the occasion, viz. :—

"1. That the Conference embrace with pleasure this opportunity of recognizing that great principle, which, it is hoped, will be permanently maintained—That the Wesleyan Methodists are one Body in every part of the World."—*Garrett's Digest*, p. 327.

It may be answered that this is the language of the Wesleyan Methodists in England, and that it does not affect the Episcopal body at all. I reply to this, I need only observe that the same resolutions were concurred in by the General Conference in the United States in 1824.

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Nothing, I think, can be more clear than this, that, wherever you find an opportunity of tracing the proceedings of the Methodist bodies on either side the Atlantic, it will be found to have been the primary object to assert and continue their connexion. All that has ever been done has been with a view to draw more closely the links which united them in one body; and it is quite certain that, as far as the Wesleyans in Canada are concerned, they have done nothing to disgrace that connexion.

But not only was Episcopacy no part of faith or doctrine—but a prudential regulation, adopted by the preachers, and arising out of prudential circumstances—but the possibility of its being done away was always contemplated. I will show this first by the Discipline of 1798, which contains, among others, the following explanatory notes, inserted by Bishops Coke and Asbury:—

“ But why does the General Conference lodge the power of stationing the preachers in the Episcopacy? We answer, On account of their entire confidence in it. If ever, through improper conduct, it loses that confidence in any considerable degree, the General Conference will, upon evidence given, in a proportionable degree, take from it this branch of its authority. But if ever it betrays a spirit of tyranny or partiality, and *this* can be proved before the general Conference, the whole will be taken from it: and we pray God, that, in such case, the power may be invested in other hands.”

“ And we verily believe, that if our episcopacy should, at any time, through tyrannical or immoral conduct, come under the severe censure of the General Conference, the members thereof would see it highly for the glory of God to preserve the present form, and only to change the men.”

“ We have drawn this comparison between our venerable father and the American Bishops, to show to the world that they possess not, and we may add, they aim not to possess, that power which he exercised, and had a right to exercise, as the father of the connexion:—that, on the contrary, they are *perfectly dependant*: that their power, their usefulness, *themselves*, are entirely at the mercy of the General Conference.”

These notes show, conclusively, that the Bishops considered the General Conference to have authority to change either the men, or the office which they filled, if circumstances should render it expedient to do so. And this authority is clearly admitted in all the successive editions of the Discipline of the Methodist Episcopal Church in America, in the section which defines the powers of the General Conference.

It is perhaps unnecessary for me to state a fact which is so generally known, that the Methodist Societies in Upper Canada were first planted by Ministers of the Methodist Episcopal Church in the United States, and that they formed a part of that Church. The General Conference being the only body possessing legislative powers, its concurrence was necessary to enable the Conference in Canada to set themselves apart

under a separate organization. This concurrence was asked in 1824, but was withheld for four years, and consequently they were obliged still to remain, for that length of time, subject to the Conference in the United States. They continued in connexion accordingly until the year 1828, when, concurrence being obtained, a body for the first time existed in the Province which was competent to legislate upon the affairs of the Church ; and that body was composed of ministers of the Church of a particular class and character—not local preachers ;—they were not included, because the leading feature of Methodism has always been *itinerancy*. What did they then do ? They formed a New Discipline ; which was printed, bearing date 1829. Now, there is one important thing to be considered :—Who was it that had the power to make this New Discipline ?—It was the ministers who possessed a certain rank in the Church—ministers of a certain standing. How did they acquire this rank ?—they acquired it according to the universally-received doctrines and practice of Methodism. The laity had no voice in it, and why ?—because they put themselves under the spiritual guidance of their leaders, the ministers, and looked to them for comfort and instruction in the truths of the Gospel. The ministers always had, from the origin of Methodism to the period I am speaking of, the uncontrolled authority in legislation. At the organization of the Church in Canada in 1828, the Conference, in framing the Discipline, reserved to itself that authority, under certain restrictions. Some slight alterations were subsequently made, which will appear in evidence ;—and when, in 1833, the change in the form of government took place, the Conference was bound to act in accordance with the Discipline as it then stood. Either the proceedings on that occasion were correct or they were not : If they were correct, and in accordance with the spirit, and doctrine, and discipline of Methodism, then we have not seceded. If they were not, then all that follows is, that the Plaintiffs cannot recover, because there would be no Episcopal Church in existence ;—the Plaintiffs having, at least for some time, acquiesced in those proceedings ; as has been clearly shown, even by their own witnesses. If, then, there was sufficient power to make the regulations contained in the Discipline of 1829, there remained the *same* power to legislate in the *same* body in 1833—provided that they acted in accordance with the Discipline of 1829. If the adoption of the Discipline in 1829 was a *void* act, then the Plaintiffs cannot recover ;—because it is only in the character of members of the Church which existed under, and was governed by, that Discipline that they can claim. The distinction of that Discipline therefore destroys their case. But, if they admit it to be binding, then they must show that we departed from its letter and spirit in the proceedings of 1833 ; or else, by opposing themselves to those proceedings, they deny the authority of their Church government, and thus become seceders from it. But I am prepared to prove, and mean to prove, that the entire proceedings of the Hallowell and Toronto Conferences were strictly in accordance with the Discipline of 1829. Before I enter into the details of this part of the case, I would call your attention to one or two particulars—first, that the restrictions

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upon the powers of the Conference are self-imposed ;—next, that, before they were imposed, the body of ministers constituting the Conference had *unrestrained* power, and that the provisions of the New Discipline must be considered as depriving them of power which they had, and not conferring a new power. Well, what are these restrictions ? I will read them :—

“ The General Conference shall have full powers to make rules and regulations for our Church, under the following limitations and restrictions : *viz.*

“ 1. The General Conference shall not revoke, alter, or change our articles of religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.

“ 2. They shall not change or alter any part or rule of our government, so as to do away Episcopacy, or destroy the plan of our itinerant general superintendency.

“ 3. They shall not revoke or change the general rules of the United Societies.

“ 4. They shall not do away the privileges of our ministers or preachers of trial by a committee, and of an appeal : neither shall they do away the privileges of our members of trial before the society or by a committee, and of an appeal.

“ 5. They shall not appropriate the produce of the Book Concern, or of the Charter Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children.

“ 6. No new rule or regulation, or alteration of any rule or regulation now in force respecting our temporal economy,—such as the building of Meeting-houses, the order to be observed therein ; the allowance to the ministers and preachers, their widows and children ; the raising annual supplies for the propagation of the Gospel, (the Missions excepted;) for the making up the allowances of the Preachers, &c., shall be considered as of any force or authority, until such rule, regulation, or alteration, shall have been laid before the several Quarterly Conferences throughout the whole Connexion, and shall have received the consent and advice of a majority of the members (who may be present at the time of laying said rule, regulation, or alteration before them,) of two thirds of the said Conferences.

“ 7. Nor shall any new rule, regulation, or alteration respecting the doctrines of our Church, the rights and privileges of our members ; such as, the receiving persons on trial and into full connexion ; the conditions on which they shall retain their membership ; the manner of bringing to trial, finding guilty, and reproving, suspending, or excluding disorderly persons from society and church privileges ; have any force or authority until laid before the Quarterly Conferences and approved as aforesaid : Provided nevertheless, that upon the joint recommendation of three fourths of the Annual Conference or Conferences, then the majority of three-fourths of the General Conference shall suffice to alter any

of the above restrictions except the sixth and seventh, which shall not be done away or altered without the recommendation or consent of two-thirds of the Quarterly Conferences throughout the Connexion."

The second restrictive clause, in connexion with the *proviso*, is the part of the Discipline which bears particularly upon the present case ; and if it has any meaning it shows that the Conferences held within themselves the power of changing the form of government as they pleased. I do not know any language which would describe more fully and distinctly that they had the power of doing away with Episcopacy, if they thought fit.

Then, Gentlemen, it remains to be shown, of course, that there were three-fourths of the Annual Conference in favour of changing the form of Church government ; but, before I come to this, which more properly forms the concluding part of the remarks I have to make to you, you will allow me to notice more particularly this Discipline of 1829. It states, by reading the second restriction in connexion with the *proviso*, that they shall not change or alter—what? articles of faith or doctrine? No.—But the form of Government—without the concurrence of what? Of the laity in their Quarterly Conferences? No.—But without the concurrence of three-fourths of the General Conference, on recommendation of three-fourths of the Annual Conference.

If they have not written nonsense here, they mean to distinguish the one from the other,—essentials from non-essentials. I take it for granted that they wrote what they meant. And the Conference, at its session in 1833, so understood it, and therefore distinguished Episcopacy as being a mere form or mode of government, from that which was an established rule of faith or doctrine,—because they evidently intended to make only a change in the form of government, and to leave every one of the vital principles as they were before. Now, to show you that, in the opinion of the same Conference, such a change might be made, I will read to you another of the articles of that Discipline—and this, be it remarked, is an article of their faith :—

"XXII. Of the Rites and Ceremonies of Churches.

"It is not necessary that rites and ceremonies should in all places be the same, or exactly alike : for they have been always different, and may be changed according to the diversity of countries, times, and men's manners, so that nothing be ordained against God's word. Whosoever, through his private judgment, willingly and purposely doth openly break the rites and ceremonies of the Church to which he belongs, which are not repugnant to the word of God, and are ordained and approved by common authority, ought to be rebuked openly, that others may fear to do the like, as one that offendeth against the common order of the Church and woundeth the consciences of weak brethren.

"Every particular Church may ordain, change, or abolish rites and ceremonies, so that all things may be done to edification."

I took occasion at the opening of my argument to show you that from the foundation of Methodism, Episcopacy was never looked upon as

enjoined by God's Word, and that to be without it could not be thought contrary to God's Word. Now I think we may naturally draw the conclusion, and without any forced reasoning, that unless it can be demonstrated that Episcopacy was considered by them to be prescribed by the Sacred Writings themselves as essential to be observed and followed, then it cannot be contrary to the policy or the power of the legislative body of the Church to do away with it altogether, and yet remain the self-same Church they were before.

But I think I have already shown that all essential points of Methodist Church government are derivable from Mr. Wesley himself. This appears evident from the manner in which he was looked up to by all who embraced the principles of Methodism. If, then, Episcopacy were of that essential and indispensable character, there is every reason to conclude that Mr. Wesley would have enjoined its adoption. You have had abundant proof to the contrary. In fact, the possibility of Episcopacy being done away with is recognized both by the Episcopal Methodists in the U. States and by this very Book of Discipline published under the authority of the Episcopal Methodist Conference.

The Books, as will be shown in evidence, clearly state that those who filled the office of Bishop were subject to annual choice,—that they derived their authority, not from a separate ordination, as raising them to another order, but from the suffrages of the Conference, as extending their jurisdiction,—and that by undeniable inference the Conference has a right to modify their powers as circumstances may require. In addition to what I have before read from Dr. Emory's writings, I shall here detain you by an extract:—

"The late Rev. *John Dickens*, in his remarks on the proceedings of Mr. Hammet, says, in relation to the superiority of our bishops, as derived not from their "separate ordination," but from the suffrages of the body of ministers,—"Pray, when was it otherwise?"—and "how can the Conference have power to remove Mr. Asbury, and ordain another to fill his place, if they see it necessary, on any other ground?" Mr. Hammet had said, "Let your Superintendents know therefore, that their superiority is derived from your suffrages, and not by virtue of a separate ordination. Gain and establish this point, and you sap the foundation of all arbitrary power in your church for ever." Mr. Dickens replies,—"Now, who ever said the superiority of the bishops was by virtue of a separate ordination? If this gave them their superiority, how came they to be removable by the Conference? If then what you there plead for will sap the foundation of all arbitrary power, it has been sapped in our connexion from the first establishment of our constitution." p. 31. Again, he remarks, p. 32, "We all know Mr. Asbury derived his official power from the Conference, and therefore his office is at their disposal." "Mr. Asbury," he says in another place, "was thus chosen by the Conference, both before and after he was ordained a Bishop; and he is still considered as the person of their choice, by being responsible to the Conference, who have power to remove him, and fill his place

with another, if they see it necessary. And as he is liable every year to be removed, he may be considered as their annual choice." p. 15. The high standing of John Dickens is too well known to need any statement of it here. He was also the particular and most intimate friend of Bishop Asbury. And the pamphlet containing the above sentiments was published by the unanimous request of the Conference held at Philadelphia, September 5, 1792; and may be therefore considered as expressing the views both of that Conference and of Bishop Asbury, in relation to the true and original character of Methodist Episcopacy."

Such, gentlemen, was the constitution; such their history from the first foundation of Episcopal Methodism; such the origin of the Episcopal office.

I have laboured to establish, and, I trust, I have succeeded, that by the adoption of Episcopacy they did not effect, nor did they intend, a separation from the body of Methodists in England.

In the year 1824 the first application was made to set off the Episcopal Church in Canada, and, I think, I have shown enough to convince you that they were then identical with the body in England, because they formed a part of the Church in America. Now it is not wonderful that they should not wish to recognize a connexion of subordination to a body in a foreign country, because in the event of any difficulty existing between the governments of the different countries, it is quite self-evident that it might lead to much embarrassment, as it had done in the United States during the revolutionary war.

If, then, I have shown that the transactions which took place in 1784 did not effect a separation from the Wesleyan Church in England—and their acts and declarations clearly show that they did not—then the formation of a Conference in Upper Canada could not have had the effect of separating them *from the Methodist Church in England, or the United States.*

I shall make it perfectly clear to you that it had not this effect. The best proof of this is, that Ministers belonging to the Church in Upper Canada have been recognized in the United States and in England as Ministers of the same Church, and entitled in each of those communities to administer the ordinances of religion. I would further urge that the very body from whom the modification of Episcopacy proceeded, is, of all others the one whose opinion should be of most weight. To use the language of Lord Chancellor Lyndhurst, on an occasion very similar:

"Who are the parties promulgating these laws? Not parties who had slight information; not persons who had only a slight knowledge of the constitution of the Connexion;—why, it was the Legislators themselves,—it was the very parties who promulgated the Act of Pacification;—it was they who promulgated this law, and who, by that very act of their own promulgation, made it become of itself a Legislative Act."

Take the same rule of construction here: The Legislature, i. e. the General Conference, who imposed these restrictions, have promulgated their understanding of them by another Legislative Act. And against this, the Plaintiffs, and the party to whom they belong, have set up their views, and are acting, and have acted, in opposition to the General Conference.

They have an undoubted right to choose whether they will remain subject to the superintendency of the Conference or not; if they decide that they will retire, they must unavoidably be denominated seceders. The new arrangements made in 1833, have rendered a General Conference unnecessary, by reason of the connection with the Wesleyan Church in England, as it was unnecessary and did not exist while the connection with the Methodist Church in the United States existed. But have they created a new Church by this? Would they not remain the same Church, and the same body of people, though, from existing circumstances, it was found expedient to make this alteration. If the adoption of the name Methodist Episcopal Church, did not create a separation, and make them a different Church from that which before existed, by what authority can it be pretended that rejecting that title again, and resuming that of Wesleyan would have that effect? If a change in substance was effected, it must have arisen from one of three sources: either, First, from the change of name; Secondly, doing away with Episcopacy; or, Thirdly, the union with the Wesleyans. If it cannot be shown to have arisen from one of these three circumstances, then there was no such change. First, then, with respect to the change of name. I have already shown that the adoption of the name "Methodist Episcopal Church" had no such effect; they did not cease to be, what they were before, a Methodist body. This never has been, and, I think, I may venture to assert, never can be questioned. They were not altered by the change of name. Does the substance depend upon the name?—Does their doctrine? Does religion? Does Scripture itself depend upon the name of the church? or are these not matters of substance superior to, and independent of, any change in name or form? Must a church be known by some specific denomination? Is it necessary to salvation that there should be one fixed and unalterable appellation by which a body of christians should be known? Can so absurd a proposition for an instant be maintained? That a man should cease to be a christian because he changed his name from Episcopal Methodist to Wesleyan! I cannot conceive that there can be any argument upon this point. If there can, when did it first arise? Were not they believers in Christianity who adopted the first change of name? Was not Mr. Wesley himself a sincere and true believer in every article of faith essential to salvation? Although he never recognized the principle of Episcopacy, yet the Episcopal Church rose from that one which he had founded; and the Episcopal Church in the United States still looks up to him as, under God, the father and founder of their body. They believe in that which he believed in, and at this moment maintain the grand principles of the

Christian Church approved of and maintained by him. Was he not a Christian—were not his followers Christians? If so, by what name are they known? Why,—as they have been from the day of his death —aye, from the day on which they first formed themselves into a Church until this time, as Wesleyan Methodists. Were they Christians, or did it require the name of Episcopacy to make them such? If, then, the name operated no change, the name alone could not have been essential to the identity of the Church. They must admit one of these two things—either that Mr. Wesley was not the believer he is represented to be, or else that the name of Episcopacy is not essential to the existence of the Church. Either way I have them upon the horns of a dilemma. Now, I think I have shown that the faith, doctrines, essentials—the substance—was the same, whatever the name might be; in the same manner as a man's name may be changed, by Act of Parliament for instance, yet no one will say that he is not the same man as before. Though his name should be changed after he had committed a crime, he would be not the less amenable to justice by reason of the change of name. It is the identity of the Church I am contending for—her faith, her doctrines, her belief; and, so long as these remain unaltered, I say they do form one and the same body of Methodists, which is identical all over the world.

I shall say no more with regard to the name, but will come to the next point, as to the effect of doing away Episcopacy. But we see that Episcopacy is a mere form of Church government. To prove this we have adduced the authority of the founder of Methodism, Mr. Wesley, and also of Archbishop Cranmer, and other Bishops and Archbishops by whom the question has been strictly examined. They all concur in this, that Episcopacy has always been looked upon as a form of Church government only. Then, on what authority, I would ask, can it be contended that it is essential to the existence of Methodism? If it be essential, then has Methodism never existed, because its founder himself did not recognize it as such. And here I have them in this difficulty again—Unless they are prepared to show that Mr. Wesley and his followers in England were not Methodists, then Episcopacy is not essential to Methodism. But, on the other hand, that which is tantamount to the office of Bishop does exist, and existed before the form of Episcopacy was known; that is, in the light in which Episcopal Methodists view it themselves. I have proved this already by the writings of the leading and most eminent men of their Church. I will now take up the third position, which requires them to show that the Union with the Methodists in England destroyed the existent Church. If they cannot establish that the Church was annihilated by the change of name, the only remaining way is for them to show that its destruction took place by the act of union with the Wesleyans in England. Now, the very stating of this proposition is rather startling: it amounts to this, that the formation of a union with the original body of Wesleyans destroys their existence as a Methodist Church here. This forms rather too bold a proposition; but to this they must come if they maintain that we have ceased to be a Methodist Church.

R E P O R T.

In the Conferences of 1832 and 1833 the question of a union with the Wesleyans in England was discussed; and, as a matter plainly connected with it, the question of Episcopacy was discussed also. It was at an Annual Conference, because, by the terms of the Discipline, the concurrence of three-fourths of the Annual Conference was requisite before the General Conference could have any thing to do with it. It was discussed, and the Union was decided upon by a very large majority—the numbers of those who were absent being exceedingly small; they were not taken by surprise. I believe there was not a single member who was entitled to take part in the business of the Conference who was not either present or whose absence was not accounted for. But I do not care, for argument sake, whether any more than three-fourths of that Conference were agreed, because the minority would in that case be bound by it just as much as if they had voted for it. Now herein it is that the Plaintiffs are seceders, even upon their own testimony. They do not impugn the authority of that Conference—they cannot do it; but they say that the legislature passed an act which *they* do not choose to be bound by. By this very refusal of theirs they ceased to be members. They would not have been members of the Methodist Episcopal Church unless they were bound by the acts of the Conference of 1829, and yet they claim to have continued members of the same Church, and at the same time refuse to be bound by the acts of the Conference to which they were equally subject in 1833. Those who were qualified to compose the General Conference, strictly speaking, were those who had been travelling for four years, and were then admitted into full connexion. It has been urged that imposition of hands was necessary to constitute an Elder capable of sitting in the General Conference, and that sixteen persons who took part in the proceedings at the Conference of 1833 were not ordained. But, allowing this to have been the case, there was a sufficient number of those who were legally qualified to make the number of those who actually did concur equal to three-fourths of the whole. Consequently I do not apprehend that the voting of those who had no right could take away the right of those who were entitled to vote. Therefore, if I establish, that, out of the whole number of those whose right was perfectly beyond question, there were three-fourths of the whole Conference, then the law will have been complied with. Those sixteen persons were permitted to sit in the Conference with the view of making that body as large as possible upon occasion of deciding this important question. And, Gentlemen, it can be shown by that which cannot very well be got out of, by the force of figures—of arithmetical calculation—that we have more than the number which the law requires. Out of thirty-four members who had the power of voting, thirty voted for the alteration which was then made. If therefore they allow us only the thirty-four whose right was unquestionable, I am willing to abide by it; but, if they bring in the other sixteen, then we shall have a majority of fifty-four:—so that, whichever way they take it, they will be excluded. But, Gentlemen, this is not all—The act of the Hallowell Conference was preparatory only; the act of the Toronto Conference

was final. Will it be pretended that those who had taken part in the Hallowell Conference had forgotten all about it, and did not know what was contemplated? They say they did not *intend* to change. Gentlemen,—upon this I will make no remark. If I were acting upon a general question of common property, I should feel differently circumstanced; but I feel that I am acting only in the spirit of my clients when I refrain from making any observations upon a representation so apparently evasive. It is not their wish to widen the breach, or to keep in existence a separation between the two bodies for an hour longer than necessity compels them; but they have a sacred duty to perform, and they would be traitors to that duty if they did not contend for that which is so clearly their right, and that of the members of that Church whose protectors they are. And I am sure I am only uttering their sentiments when I quote the language and opinions of the Wesleyan Conference, in the year 1795:—

“ Brethren, be as zealous for peace and unity in your respective societies as your Preachers have been in this blessed Conference. Let the majorities and minorities, on both sides, exercise the utmost forbearance towards each other;—let them mutually concede the one to the other, as far as possible; and, by thus bearing each other’s burdens, fulfil the law of Christ. Let all resentment be buried in eternal oblivion; and let contention and strife be for ever banished from the borders of our Israel.”

The dissension is not of their seeking,—the breach is not of their making; they would desire to see strife buried, but they cannot help resisting when aggressions are made upon their rights,—to neglect which would be an abandonment of their duty. But they are content to discharge this duty without taking advantage of the exposed position of their adversaries. Now, Gentlemen, with reference to all the proceedings: if, in making this change, either with regard to Episcopacy or with regard to the Union, it were done, as I have shown, and shall be prepared to prove, by the express authority vested in us, and in strict accordance with the principles of Methodism and the Discipline of the Church, I would ask you, how can the minority set themselves up as if they were the majority, and as if they represented the whole Church? And yet such is their language. One of their witnesses told you that their Bishop had observed to him, he hoped there would be enough left to form a prayer-meeting. Now look at this fact. This took place after the Conference of 1833, when every person who had been present at that Conference must have been aware of what had been done. With what face, then, can it be said, that it was not until 1834 that they discovered what those proceedings were, and that they still maintained their reservation of concurring in the act of the Conference or not. And furthermore, they say that that Conference, and the whole body of Methodists who continue to acknowledge its authority, are seceders; and that they who then withdrew from their ministry still constitute the Methodist Church in the Province. Well now, how are they conditioned with regard to this Church which they call a New Church, but which I

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maintain to be the same unaltered Church it ever was? Is there no inconsistency in their own statement? The Conference which sat in Kingston in 1834 was known and acknowledged by them to be a *Wesleyan Conference*; for they petitioned that Conference for the removal of one of the ministers superintending the Belleville Circuit, under the authority of the Wesleyan Church. How did they happen to do this if they did not recognise their Church as being in existence, and as governed by that Conference? And, if they do acknowledge its existence, and the authority of that Conference, it is a fatal and complete bar to their recovery, for it would have the effect of destroying the existence of the Methodist Episcopal Church. And this appears to have been the case without the interference of my clients; for it is remarkable that not a single act of theirs has been shown which could be denominated subversive of the Methodist Episcopal Church, or in any way hostile to it. If Mr. Davidson, the minister in charge of the Belleville Circuit, by the proceedings which he adopted, ceased to be a member of that Church, then they also ceased at the same time. You have as much evidence of the one as of the other. What he did, he did with a full knowledge and understanding of his acts, and they continued under him, and receiving the consolations of religion from him. Now, Gentlemen, it is for you to say whether, under these circumstances, the Plaintiffs are not in reality seceders? On the one hand you have facts, and on the other the mere opinions of the witnesses. The law will not permit a deception of that nature; it will not allow them to review their pretended right by a resumption of their former name. After acquiescing for a considerable length of time, in the measures adopted by the Conference, the Plaintiffs say to themselves, We will now go back and be the Church of which we before formed a part, and we shall of course get all the property. But this the law will not permit; and it is a matter of sound sense and reason that it should not be so—because, if it were otherwise, any two or three members might, upon the very same principle of reasoning, set themselves up against the authority of the legislative body, and say, We do not agree with you in the view you take of this matter; we do not approve of your proceedings; and therefore we will not be bound by them. Either they were bound by the acts of the Conference or they were not: If they were not bound, they were not members of the Church to which that Conference belonged;—if they were bound, then they are seceders, because they disregarded them.

But how is this question viewed by Methodists in England and the United States? Whom do they look upon as being the Church in this Province? They consider the change as a change of form, and not of substance, and so it must be considered in all parts of the world. I am prepared to show that they recognized my clients, both in the United States and in England, as the Representatives of the Methodist Church in this Province, and I would like to see the Plaintiffs establish that they were received as such.

I come now, Gentlemen, to the last point. I wish to know how it can be a departure from the faith or doctrine of Methodism, to form a

more immediate connexion with the original body founded by Wesley? I wish to be told whether the body organized by Mr. Wesley is not the original body of Methodists, and if they are, how it can be a departure or a secession from Methodism or its principles, to join with that body?

If the Plaintiffs themselves, in forming a Methodist Episcopal Church, have not changed; if the Methodists in the United States have not changed or departed from any fundamental principle or doctrine of Methodism, then have my clients not changed. Have they denied any of the doctrines which were ever considered essential to salvation? Do they not believe the same Gospel, and trust for salvation to the same Saviour, through the mercy of the same God they ever did, and worship him in the same form that has ever been used among Methodists? Unquestionably they do. Then how have my clients changed? They form a part of the Wesleyan Church in England, and of the Methodist Church in the United States, which would not be the case if they were seceders; and if the Plaintiffs have placed themselves in an unpleasant position, it is no fault of ours; they must take the consequences.

I will now, Gentlemen, since I fear I have wearied you, just recapitulate the grounds which I have been labouring to establish; and, if it were necessary, I could produce to you authorities almost without number, to substantiate my positions; but, I trust, I have already quoted sufficient to remove from your minds every shadow of doubt. First, then, I lay it down that the government of the Wesleyan Church in England, and that of the Methodist Episcopal Church in the United States, was confined to the Ministers of a certain class and station. That Episcopacy is not an article of faith or doctrine, necessary to be believed in, but a form of church government, adopted according to the circumstances, pleasure, or opinions of the respective body. Next, that the Methodist Episcopal Church in the United States was created a separate body from the Church of England, and not from the Methodist Church in England. Then, that all Methodists form, in truth and in fact, one church only, and that the members of one branch are received by the others as members of one universal and indivisible body of Methodists. This point is of some consequence, and I therefore lay particular stress upon it. Next that the function of Episcopacy, that is, its substance, is now in force in Upper Canada, though exercised under a different name. Next, that the exposition of the laws, is best to be obtained from the law-makers themselves. That the proceedings of the Conferences of 1832 and 1833, being regulations voluntarily adopted by themselves, they, the laity, and a minority of the members are bound thereby. And that, if they did not choose to yield obedience, then they are seceders, and, as a necessary consequence, have forfeited all right to the church property.—Upon these principles I am prepared to rest the case.

I shall now call evidence establishing the nature of the proceedings, and the views and character of those by whom they were taken; and I will still further show you, I believe most conclusively, that the very party who set up this claim acted with the majority, and in some instances actually voted for the very change which they now complain

of, and even argued with, and endeavoured to convince, the lay members of the Church of their propriety. I have only one thing to add : My clients, being the body of which the Plaintiffs formed a part, have avoided acting rashly ; they determined to take the best advice that could be obtained ; they accordingly took the opinion of Counsel, and as I most heartily approve of, and coincide with that opinion, I will close my address to you by reading it :

“YORK, 5th January, 1833.

“GENTLEMEN,—We had the honour to receive last evening your note of this month, in which you state that the Conference of the Methodist Episcopal Church in Canada desired us to give our opinion on the question, “whether the abolishing of the Episcopacy form of Church government from among them would jeopard their Church property ?”

“We are not aware that there has been any adjudication exactly in point ; but it has been decided, that, if a corporation hold lands by grant or prescription, and afterwards they are incorporated by another name, as, where they were Bailiffs and Burgesses before, and now are Mayor and Commonalty ; or, were Prior and Convent before, and afterwards are translated into a Dean and Chapter ; although the quality and name of their corporations are altered, yet the new body shall enjoy all the rights and property of the old. 4 Co. 87—3 Burr. Rep. 1836. Judging from the analogy of this case, as well as from other considerations, we are of opinion, that if Episcopacy should be abolished in your Church, and some other form of Church government should be established, in the manner mentioned in your book of Discipline, the rights and interests of the Conference in any Church property, whether they were legal or only equitable rights and interests, would not be impaired or affected by such a change.

We have the honour to be, Reverend Gentlemen,
Your obedient, humble Servants,

MARSHALL S. BIDWELL,
JOHN ROLPH.

Rev. Messrs. J. RICHARDSON and A. IRVINE.”

The importance of the question which is to be submitted for your consideration will form a sufficient apology for the length of time which I have employed in endeavouring to state it clearly ; and I shall now proceed to prove, by respectable witnesses, the truth of the positions which I have laid down.

Anthony Crouter, sworn—Witness was an Episcopal Methodist before the Union ; ever since then has been a Wesleyan. Was well acquainted with Mr. Reynolds, and used frequently to go to his house. Soon after the Hallowell Conference witness had a conversation with Mr. Reynolds, who began telling him that a change had been made in the Church at that Conference, and that they would, in future, be united to the Conference in England. Witness observed, he feared some evil

would grow out of it. Mr. Reynolds replied there could not; they would not then be under the heavy hand of a bishop; they would have a Presidency—and, unless the Union took place, they would be soon involved in difficulty. Subsequently to this time, in 1834, witness held another conversation with Mr. Reynolds, and he (Reynolds) then stated that he disapproved of some proceedings which had taken place. Witness believes it was something relating to the ordination of Local Preachers, and that, unless a reconciliation took place, he would leave the Church. But he did not intend to induce, or even advise, any one to go with him. This was at the time that Mr. Davidson was stationed at Belleville. Witness considered Mr. Reynolds at that time a member of the Wesleyan Church, and believes he occasionally officiated as minister. The Plaintiffs soon after formed themselves into a Conference, at a quarterly-meeting, and called themselves Episcopals. Reynolds, Gatchell, and Webster were present at that Conference.

Stephen Gilbert was called and sworn—Mr. Reynolds told witness that he had attended the Conference in Hallowell, in 1832, and expressed himself highly gratified with the Union. He said that they had sent a delegate to the Wesleyan Conference with proposals, and if they were accepted the Union would be consummated. One advantage to be derived from such a union, Mr. Reynolds stated to be, that the office of Bishop would be done away, and they would have a Presidency instead. Witness could not say when Mr. Reynolds withdrew; but about a year after the first conversation he told witness that he then stood as a Wesleyan, but if things did not alter he would not remain.

Cross Examined—Are you quite certain that Mr. Reynolds told you he would not remain.—I am quite sure of it. Are you not aware that as soon as Mr. Reynolds found out what the Discipline of that Church was to be, that then he ceased to have any thing to do with them?—I understood that the ordination of the Local Preachers was the subject of his dissatisfaction—never heard Mr. Reynolds make any objection to the abolition of Episcopacy.

William Irving. Witness had a conversation with Mr. Reynolds subsequent to the Conference in Toronto, in 1833. After Mr. Davidson took the charge of the church at Belleville, Mr. Reynolds reasoned with witness in favour of the union.

William Vandervoort. Was present at the Quarterly Meeting Conference held in Sydney, in 1834. There were three Local Preachers present, Reynolds, Gatchell, and Webster. Mr. Reynolds expressed himself dissatisfied with something contained in the Discipline, and observed that no Discipline he (Reynolds) had ever seen fully met his approbation, and as they were *beginning anew* he thought they had better frame a new one.

Cross Examined—What was that meeting called?—I heard no name given to it—understood, however, that it was an Episcopal meeting.—Mr. Gatchell was an Episcopal, and it was he who called the meeting.

William Irving re-called. Witness had a conversation with Mr. Selden, very soon after their separation from the Wesleyan Church, and

he (Mr. S.) said to witness, "I suppose you think we have taken a pretty rapid step," by which witness understood him to mean the separation—"but you must come to the conclusion that we had no sinister motives in view. We did not do it for the sake of honour, for we were sure we would get none; we did not do it for the sake of the church property, for that we had already lost."—To a question from Mr. Dougall, witness believed that it was shortly after the publication of the Discipline that the separation took place, and that it was in consequence of their dissatisfaction with something contained therein.

Walter Ross sworn. Witness was present at the meeting held in 1834 for the purpose of forming a Missionary Society. Mr. Reynolds was present at that meeting, and remarked that it would be necessary to give the Society a new name, as there was no longer an Episcopal Church existing in Canada. (7) It had previously been called the Methodist Episcopal Missionary Society. Witness was also present at the first meeting held after Mr. Wilkinson arrived in Belleville. Mr. Reynolds then said, the time is not far distant when I shall no longer be a member of the Wesleyan Church. He added, also, I will not solicit any one to go with me; neither did he wish it to be understood that he then withdrew. Mr. Selden expressed no dissatisfaction with the Union, but said it would be an excellent thing for the Missionary cause, because they had become almost destitute of money. This took place after the Conference in Toronto. Witness knows Mr. Harris: he was a lay-member, and continued to be a Wesleyan from the time of the Union. Mr. Bickford was a class-leader in the Wesleyan Church under Mr. Davidson, and also under Mr. Wilkinson. Witness has seen Mr. Reynolds officiate in the Wesleyan Church as local preacher and as steward. Has seen him administer the Sacrament. Mr. Selden was class-leader in the Wesleyan Church. Considered that there was no other in existence. Mr. Dame acted as assistant class-leader. Dr. Walton acted as steward, and Robert Bird, also, acted as class-leader, under Mr. Wilkinson. It was at a Leaders' Meeting, which it is customary to hold every month, that Mr. Reynolds declared he would not

(7) In the *Christian Guardian* of the 19th of February, 1834—nearly five months after the Union, and nearly two months after the publication of the Local Preachers' regulations—there is a communication to the Editor, signed "John Reynolds," who gives an account of the meeting of the Wesleyan Missionary Society in Belleville, (speakers, "Rev'ds J. Ryerson, Norris, Case, and Stinson"), and officers, "John Reynolds, Secretary, B. Flint, Treasurer, Messrs. P. G. Selden, J. Bickford, W. Ross, A. Yeomans, B. Ketcheson, and Dr. Walton." Were not Messrs. Reynolds, Selden, Bickford and Walton as much members of the Wesleyan Methodist Church at that time as Messrs. Flint, Ross, Yeomans and Ketcheson? Or is it likely that they would have been appointed *Managers* of the Wesleyan Missionary Society if they had withdrawn from the Conference under whose direction that Society was organised? In what light then does their attempt to prove that they were never members of the Wesleyan Methodist Church, appear? In what light must their efforts to get witnesses to swear that there has always been a Methodist Episcopal Church, appear in the eyes of integrity, morality, and truth?

much longer be a member of the Wesleyan Church. The Discipline had then been published, and was in circulation.

Cross-Examined. Do you mean to say that these persons continued to be members of the Wesleyan Church after the Discipline was put into their hands? Yes. It was not at the time Mr. Reynolds resigned his office as steward that he left the Church. Dr. Walton first resigned, and, after that, Mr. Reynolds and others. From the time of the Union up to this time there had been nothing said about the existence of any dissatisfaction. The alteration with regard to the local preachers could have been made as well before the Conference at which the Union was agreed on as after. Mr. Boselly was member of a class up to the time of the Conference in Kingston, and remained in the Church afterwards.

James Jamieson.—Witness is a Wesleyan Methodist. Belonged to the class of which Mr. Selden was leader. Mr. Merriam belonged to the same class, and they received their tickets from Mr. Selden after the Conference in Toronto in 1833. (8)

Cross-Examined. Never heard Mr. Selden express himself dissatisfied.

Rev. John C. Davidson, called and sworn.—Witness had been a member of the Methodist Church about fourteen years. Was a member before they had an independent Conference in Canada. Was appointed to take the charge of the Church in Belleville at the Conference held in Toronto in 1833. The Conference of this country was formerly subordinate to that of the United States. The first independent Conference in Canada was in 1828. The Union with the British Wesleyans was consummated at the Conference in Toronto in 1833, in pursuance of the resolution passed at the Hallowell Conference in the preceding year. The proceedings of the Hallowell Conference were published in the official organ of the Church, the Christian Guardian. Upon receiving his appointment to Belleville, witness proceeded at once to take charge of his station. Messrs. Reynolds, Selden, Bickford, and Dame

(8) Here concludes the evidence of six laymen on the part of the Defendants, or Wesleyan Methodist Church; and how different is it in frankness, consistency and harmony, from that adduced on the part of the Plaintiffs, or Episcopal party. In the Wesleyan witnesses, there is no quibbling,—no evasion,—no self-contradiction,—no contradiction of each other. By their testimony, it is proved, 1. That both Merriam and Boselly were members of the Wesleyan Methodist Church until after the Conference held in Kingston, in 1834; 2. That every one of the Episcopal Trustees, both old and new, were members of the Wesleyan Methodist Church up to August, 1834—seven months after the regulations respecting Local Preachers were published in the *Guardian*, and five months after the present Discipline was printed; 3. That Reynolds himself advocated not only the relinquishment of Episcopacy, but the union with the British Conference, after both the Hallowell and Toronto Conferences; 4. That not one of the whole party was ever heard to express a "conscientious scruple" on the question of Episcopacy, or the union with the British Connexion; 5. That the persons who call themselves "The Methodist Episcopal Church in Canada," are a self-created party which sprung up in Belleville and the neighbourhood, about a year after the completion of the Union.

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were members at that time, and witness knew also that they were trustees. Had the same evidence of their being members that he ever had of any person in the Province. The same reasons which exist to prove the membership of any individual at present existed with reference to them. Witness continued having the charge of the Church in Belleville until the Conference in Kingston in 1834. Up to this time neither of those parties had ceased to attend or to be members of the Wesleyan Methodist Church. They were as much members as he himself was. The modification of Episcopacy as it now stands took place at the time the Union was consummated, that is, in October 1833, and the name of the Church was officially altered at the same time, and no person who had occasion to give or receive a class-ticket could be ignorant of the fact. He (Mr. Davidson) never gave a ticket that was not headed with the name of the Church. Witness never heard from any of the parties any objection to the modification of Episcopacy. Witness considered himself a minister of the same Church that he was a minister of at first. He always understood that the Methodists in England, in the United States, and in Canada considered themselves as forming one general body of Methodists. It would be impossible that any point of Methodism could be given up or destroyed by uniting with the Wesleyans in England, because the doctrine is precisely the same. The Discipline of the Wesleyan Church, after the Union, was printed and published before he left Belleville. That Discipline contains no substantial difference from what was adopted in the Conference of 1832 and 1833; and he thinks it had been distributed in Belleville before he left. It was the desire of the ministers that it should be disseminated.

Cross Examined. Did Mr. Bickford ever remonstrate with you upon the change? I have no recollection that he ever did.—Did you ever give a class-ticket to Mr. Reynolds? I think I did, but cannot say positively.—I think you stated the doctrines were in substance the same in both churches; now do not the Wesleyan Methodists acknowledge themselves to be members of the Church of England? Such were Mr. Wesley's instructions; but they have gradually glided into a separation from that Church.—Now is it not the case, that a special act of disunion took place in the United States? The Methodist Church in Canada, in 1828, was considered in every essential like that in England,—they identified us as a portion of the same church, holding as we do the same doctrines. The act of the Conference, declaring the union, was only carrying into effect more closely the already existing views and opinions.—Now have all the articles of the union been duly kept? As far as I have been informed they have been. All the rights and privileges of Canadian Preachers have been duly attended to.—Has not a great deal of dissatisfaction arisen from the proceedings with reference to Local Preachers? Dissatisfaction is said to have arisen from the Conference holding back what the Local Preachers considered their right with regard to ordination—together with some other regulations regarding the penny-a-week and shilling-a-quarter. Their duties in these respects, however, were quite voluntary, there was no compulsion.—When you say the

Plaintiffs conformed to the Wesleyan Church, do you believe they did so with a full knowledge of what the Discipline was to be? I think they had every opportunity to know, if they used the means of information within their reach. Was present at the Conference in 1833,—was a young member of Conference at that time, and the peculiar reasons for the change did not come within his own observation; he knew, however, that no alteration had been made in any point of faith or doctrine.

Rev. Henry Wilkinson called and sworn.—COUNSEL: On what occasion did Mr. Reynolds withdraw from the Wesleyan Church? At a meeting of Class-leaders in July, 1834, Mr. Reynolds rose and remarked that he had been many years a Methodist; that he designed to continue one, but as he intended also to act in a candid and open manner, he would then state that he might not continue long to be a member of the *Wesleyan Church*. But he would not induce any one to go with him. It was in the early part of September, 1834, that he finally withdrew. A few days afterwards, on returning from a country appointment on a Sabbath evening, witness learned that six of Mr. Bird's class had withdrawn. Mr. Harris withdrew on the following Tuesday night. Mr. Bickford on withdrawing addressed the meeting to this effect: "It is no hasty step. I have made up my mind upon mature reflection."—The principal point on which they expressed themselves dissatisfied was with the resolutions concerning Local Preachers. Witness thought that from 800 to 1000 had seceded altogether in the Province, and others had since joined them who had never belonged to the Wesleyan Church.—Has made this estimate of the number which have seceded from the Wesleyan Church, during the first two years after the union, from the Minutes of the Methodist Episcopal party, and from other sources.—Witness knows Mr. Gatchell; he was a Superannuated Preacher, and in 1834 received an allowance as such. The witness handed in the following extracts from the Records of the Leaders and Trustees' Meeting, held in Belleville:—

“ BELLEVILLE, 21st July, 1834.

“ Leaders' Meeting at Mr. Bickford's.

“ Brethren present:—Rev. Henry Wilkinson, Rev. John Reynolds, James Bickford, Billa Flint, Jr., Aaron Dame, William Ross, Walter Ross, Jonas Canniff, Albert Taylor, P. G. Selden, J. P. Morden, Asa Yeomans, Robert Bird, B. Walton.

“ By request of Br. P. G. Selden, I make this minute with my own hand, that at the close of a protracted discussion, in which the brethren could not agree, I remarked, that I recognised the classes, just as left by Mr. Davidson when he left the station at the close of the Conference year.

HENRY WILKINSON.

“ Br. B. Walton made known that he now resigns his stewardship.

“ It was agreed to try and live in peace, and use our influence to effect the same in the classes.

“ Resolved,—That we, in the presence of Almighty God, solemnly resolve that we will endeavour fully to lay aside and bury all past diffi-

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(Truly extracted.)

HENRY WILKINSON, Minister.

TRUSTEE MEETING, BELLEVILLE, Sept. 19th, 1834.

"At a meeting of the remaining Trustees of the Wesleyan Methodist Church in Belleville, held this day at the house of Asa Yeomans; the following persons were chosen (according to the form of Discipline) as Trustees of the church property, namely, Billa Flint, Jr., John P. Morden, William Ross, and Jonas Canniff, in the stead of John Reynolds, P. G. Selden, James Bickford, and Aaron Dame, who have ceased to be Trustees, by withdrawing as members from the Wesleyan Methodist Church.

(Signed)

HENRY WILKINSON, Minister,
In charge of the Belleville Station.

(Signed)

BENJAMIN KETCHESON,
ASA YEOMANS.

(Gilbert Bleecker, not present.)

(Truly Extracted.)

HENRY WILKINSON, Minister."

The Rev. E. Ryerson sworn. (10)—SOLICITOR GENERAL: Your are, I believe, a Minister of the Wesleyan Methodist Church? I am.—*Sol.* How long have you been a member of the Conference of that Church?

(9) The Rev. Mr. Davidson confirms the statement of preceding witnesses, that all the prosecutors were members of the Wesleyan Methodist Church during the year he had charge of the Church in Belleville. The Rev. Mr. Wilkinson finds them members; states the time and circumstances of their withdrawal from the Church; and delivers to the Court extracts from the official records of the Leaders' Meeting, from which it appears that all the prosecuting Trustees but one (Harris) were not only members of the Church on the 21st of July, 1834, but were *official* members, and were actually present claiming and exercising their privileges as such in the Leaders' Meeting. Yet these parties bring witnesses into Court to try and prove that they were never members of the Wesleyan Methodist Church at all!

Mr. Wilkinson's testimony concludes the evidence on the part of the Wesleyan Methodist Church in regard to the views and relation of the prosecutors to Episcopacy, the Union, and the Church, and their actual secession from it in September, 1834,—eleven months after the Toronto Conference. The evidence of the subsequent witnesses relates to the proceedings of the Conferences in 1829, 1832, and 1833, to Episcopacy, and other general questions.

(10) The following evidence was intended to furnish a circumstantial and full account of the proceedings of the several Conferences in Canada at which changes in the Discipline have been made, and a minute history of the Union. It will be seen that the Rev. Messrs. Case, Green, and J. Ryerson concur in it as substantially correct. Nearly all the questions put by the Solicitor General were written out at full length before the trial; and I believe the evidence is reported as nearly verbatim as possible.

I was received as a preacher on trial in 1825, and into full connexion with the Conference in 1827.

Counsel.—Were you present at the Conference held in Ernestown, September, 1828? I was.—And at that held in Hallowell, in 1832? I was.—And at that held in Toronto, October, 1833? I was.

Counsel.—Have you filled official situations in any of the Conferences to which you refer, and do you now hold any official situation in your Conference? I was Secretary of the General Conferences held in Belleville 1830, in York 1831, in Hallowell 1832, and in Toronto 1833. I was also Secretary of the Annual Conference held in Toronto 1833, and I fill that situation in the Conference at the present time.

Counsel.—What was the name of your church previous to 1828? The Methodist Episcopal Church in America.

Counsel.—You were formerly connected with the Methodist Episcopal Church in the United States: when did you separate from that Church? In 1828.

Counsel.—For what reasons did you separate from that Church? In order to remove the jealousies which were excited in the minds of many persons in authority, and others in this Province, against a foreign ecclesiastical connexion; to meet the general feelings and wishes of the members and friends of our church; and to obtain greater facilities for diffusing religious knowledge and principles among the inhabitants of this Province.

Counsel.—By what authority did you organize yourselves into a distinct and independent Church? By the authority of the American General Conference.

Counsel.—What name did you assume on your separation from the American Methodist Church? The Methodist Episcopal Church in Canada.

Counsel.—Could you not have assumed any other title for your Church? Certainly we could. The title of the church was a subject of discussion in the Conference. I, as an individual member, opposed the introduction of the term "Episcopal" at all into the title of the Church; but as a large majority of the Conference were of a different opinion, I and those who took the same view of the subject, of course, acquiesced in and supported the will of the majority.

Counsel.—I presume you would not have been less the Church you really were if you had adopted another name? Undoubtedly not.

Counsel.—Were you considered a different Church after that separation? By no means; so far from it, that the Bishops of the American Methodist Church have ordained our Ministers since the act of separation the same as before, when requested to do so. When the act of separation took place, Bishop Hedding, who had presided, rose and observed, that he no longer possessed any jurisdiction over us. By the vote of the Conference he was requested to preside, which he accordingly did until the close of the session. Two years afterwards he attended our Conference held in this town, and ordained several of our Ministers.

Counsel.—After your separation from the American Church, and

adoption of the new name, did not you and your members consider yourselves the same Church that you always had been? Of course we did; I never heard a hint of the reverse.

Counsel.—Did your Conference in '28 make any alteration in the articles of faith and rules of your Church? It did in several particulars.

Counsel.—What were those alterations? One was the expunging of the twenty-third article of faith relating to the Government of the United States, and the substitution of one recognizing the established Government of this Province. Another was, the establishment and organization of a General or Legislative Conference in this Province. Before 1828 we sent delegates to the American General Conference, and were subject to the rules made by that body. It was then determined to establish such a Conference for the government of the Church in Canada, but different in its composition and powers from the General Conference in the United States. It was resolved, that our General Conference should be composed of all the travelling Elders, who had travelled the four years immediately preceding and been received into full Connexion; so that it was not a *delegated* body like the General Conference in the United States, which was composed of one for every fourteen members of the Annual Conferences, elected by the suffrages of all the members. It was also determined, that the powers of our General Conference should be more limited than those of the Conference in the United States. By the American Discipline, the General Conference, with the recommendation of the several Annual Conferences, had unlimited power of legislation, without any check on the part of the lay-members of the Church. It was provided that our General Conference could not establish any new rules or regulations or alter existing ones respecting the building of churches, the order to be observed in them, the salaries of preachers, and the manner of raising them, the privileges of the members of the Church, such as the condition of receiving and continuing members in the Church, the mode of trial and exclusion from it, and the doctrines (11) of the Church, without the concurrence of three-fourths of the Quarterly Meeting Conferences throughout the whole Connexion. These restrictions were self-imposed by our Conference, without any application whatever from the lay-members of the Church, and furnish the only instance in Europe or America of legislative power being vested in the laity of the Methodist Church. It was likewise

(11) I have recently learned, that the last American General Conference held in Cincinnati, May 1836, has imposed an additional restriction upon its powers, by which it is prohibited, under any circumstances whatever, to change the *doctrines* of the Church. This fact (the certainty of which may be ascertained by comparing the last edition of the American Methodist Discipline with former ones) proves to demonstration, that in the judgment of that body, in Conference assembled, it had power, previous to 1836, to change even the *doctrines* of the Church, and therefore the Episcopacy, even assuming it, (as Judge Macaulay seemed to assume it,) to be a *doctrine*. We believe there can be no higher authority on this point than the American Methodist Church. By that authority then it is decided, that, up to May 1836, the General Conference had power, according to the written constitution, to change the *doctrines* of the Church as well as to alter and make rules and regulations.

agreed, that a Committee of five should be elected by ballot to counsel and advise with the Bishop or Superintendent in the appointment of Presiding Elders or Chairmen of Districts. With these modifications, and several others of minor importance, it was agreed to adopt the Doctrines and Discipline of the American Methodist Church.

Counsel.—Were any objections made as to the power which your Conference exercised in adopting a new title and Discipline for your Church in 1828? I never heard of any.

Counsel.—Did the American Bishop who was present seem to question the authority of your Conference to adopt a new name and Discipline for the Church? Not at all.

Counsel.—You said you were present at the Hallowell Conference in 1832: how happened the subject of the Union with the British Conference to be brought before your body at that Meeting? At the Conference of 1828, a Committee of three was “appointed to correspond with the British Conference in order to establish a friendly union and intercourse between the two Connexions.” But nothing further was done until 1831, when,—perceiving the ill effects likely to arise from the establishment of different bodies of Methodists in this Province,—I prepared a long letter on the subject, which I showed to several of our ministers for their approval, and addressed to the late Rev. Richard Watson, who was at that time Secretary of the Wesleyan Missionary Society in London. In 1832, the Wesleyan Missionary Committee in London sent out the Rev. Mr. Alder as their representative and agent, with a view to the appointment of Missionaries among the British emigrants in various parts of this Province. Mr. Alder had communications from the Committee in London to our Missionary Board in Toronto, which he delivered, communicating to the Board at the same time the objects of his mission. Our Board admitted our inability to supply the religious wants of the country, but stated at length to Mr. Alder, and in writing to the Committee in London, the evils likely to arise from the existence of two bodies of Methodists in this Province—its infringement of the hitherto universally-acknowledged principle that the Wesleyan Methodists were one body throughout the world—and the desirableness of uniting the means and energies of the two Connexions to promote the religious improvement of the aboriginal tribes and new settlements of the country. The Board invited Mr. Alder to remain and attend the Conference, which was to be held in about six weeks from that time. Mr. Alder consented to attend the Conference. In the meantime, being Editor of the *Christian Guardian*, I immediately adverted, in the columns of the *Guardian*, to what had taken place between Mr. Alder and the Missionary Board, and stated that the subject would be brought under the consideration of the ensuing Conference, and remarked upon the leading principles which appeared to be involved in the proposed arrangement. On account of this announcement, more than usual interest appeared to be felt amongst our ministers and people in the proceedings of the Conference, all the members of which attended, according to the requirements of the Discipline, with the exception of two or three,

who, either by letter or verbal communication, assigned the afflictive causes of their absence.

Counsel.—Will you state the proceedings of your Conference in Hallowell in respect to the then proposed Union with the British Conference? The President of the Board of Missions, on the first day of the Session, presented to the Conference the Correspondence which had taken place between the Board and the Wesleyan Missionary Committee in London. The Correspondence was read, and referred to a Committee of nine, chosen by ballot. The Committee thus appointed took the whole subject of the correspondence into consideration, and, on the fourth day, reported certain resolutions to the Conference. As there were many lay members of the Church from various parts of the Province in Hallowell at the time, and the Conference desiring that every thing done on the subject of the then proposed Union should be as public as possible, admitted, contrary to its usages, all persons who chose to attend, below the bar, as a part of the Chapel assigned to them was called. The Resolutions were fully discussed and adopted. The third Resolution, respecting the relinquishment of Episcopacy, was adopted last in order. The President having expressed a doubt as to the power of the Annual Conference to adopt a resolution to relinquish Episcopacy in the form presented, the third Resolution was passed in the form of a recommendation to the General Conference. Witness handed in to the Court the following extracts from the Journals of the Conference:—

“ *Hallowell, August 8th, 1832,*
“ *(in the forenoon.)*

“ Certain documents containing communications between the Wesleyan Missionary Committee in London and our Board of Missions at York, were presented by the President of the Board and read.”

[*Afternoon.*]

“ Resolved—That a Committee of nine be appointed by ballot, to take into consideration the documents received from the Missionary Board in York, and report on the same.

“ The following persons were chosen:—John Ryerson; James Richardson; Wyatt Chamberlain; F. Metcalf; E. Ryerson; P. Smith; W. Ryerson; T. Madden; W. Brown.

[*August 11th, forenoon.*]

“ The Committee to whom were referred certain documents from the Board of Missions at York, presented their report.

“ Report was read, and preamble taken up.

“ Adjourned until 2 o'clock, P. M.

“ *2 o'Clock, P. M.*

“ Conference met. W. Case in the chair.

“ After singing and prayer, the Preamble of the Report from the Committee on certain documents received from the Board at York, was again read and taken up.

" Preamble adopted. 1st Resolution adopted. 2d do. do. 3d do. do. 4th do. do. 5th do. do. 6th do. do. 7th do. do. 8th do. do. 9th do. do. 10th do. do. 11th do. do. 12th do. do.

" That this Conference concurring with the Board of Missions on the inexpediency of establishing two distinct Methodist Connexions in Upper Canada, and deprecating the evils which might arise from collision, and believing that the cause of religion generally, and the interests of Methodism in particular, would, by the blessing of God, be greatly promoted by the united exertions of the two Connexions; it is resolved—

" 1. That a Union betwixt the English and Canada Conferences, duly securing the rights and privileges of the Societies in this Province, is an object highly important and desirable.

" 2. That, in order to accomplish this object, the discipline and economy of the Wesleyan Methodists in England be introduced into the Societies in this Province, as far as circumstances and prudence will render advisable.

" 3. That Episcopacy be relinquished (unless it will jeopard our Church property, or as soon as it can be legally secured,) and superseded by an Annual Presidency.

" 4. That the usages of the English Conference be adopted in the admission of Candidates into the Itinerant Ministry among us.

" 5. That ordination be administered among us after the same form as that in which Missionaries are set apart to the office of the ministry in the English Conference.

" 6. That the English Conference shall have authority to appoint, as often as they see fit, a President from their own body in England, to preside over this Conference; provided the same person shall not be eligible oftener than once in four years, unless desired by this Conference.

" 7. That when the English Conference does not appoint a President as aforesaid, one shall be elected by this Conference from among its own members.

" 8. That the Missions which now are or may be hereafter established by this Conference, be considered Missions of the Wesleyan Missionary Society, under the following regulations:—The Wesleyan Missionary Committee in London shall appropriate the amount necessary to carry on the Missions; but this amount shall be applied to the support of the several Mission stations, by a Committee of seven or nine persons, (one of whom shall be the President of the Conference,) members of and appointed by this Conference. The Methodist Missionary Society in Canada shall be auxiliary to the Wesleyan Missionary Society, and the funds raised be transmitted to the Treasurer of the Parent Society and appropriated as aforesaid. The Missionaries shall be appointed by the Canada Conference, subject to the Conference of the Wesleyan Missionary Committee.

" 9. That, in pursuance of the arrangements above proposed, it is understood that all Missionaries sent by the Wesleyan Committee into Upper Canada shall be members of this Conference.

" 10. That nothing contained in the foregoing resolutions shall be understood or construed so as to affect the rights of our General Conference, or the standing and privileges of our present Itinerant and Local Preachers.

" 11. That none of the foregoing Resolutions shall be binding on this Conference, or of any force whatever, until they shall have been acceded to on the part of the Wesleyan Committee and Conference, and the arrangements proposed shall have been completed by the two Connexions.

" 12. That a Representative be sent home to England to negotiate with the Wesleyan Committee and Conference on the several subjects embraced in these Resolutions."

" Resolved—That this Conference recommend the General Conference to pass the 3rd Resolution of the Report of the Committee on the proposed Union, which Resolution reads as follows:—‘ That Episcopacy be relinquished (unless it will jeopard our Church property, or as soon as it can be legally secured,) and superseded by an Annual Presidency.’

" Resolved—That this Conference recommend the President to call a General Conference on Monday, at 6 o'clock A. M.

" The Chairman called the same accordingly.

[*Note by James Richardson, Secretary of the Hallowell Conference.*
" The above resolution to relinquish Episcopacy was recommended to the consideration of the General Conference by three-fourths of the Annual Conference, and duly concurred in by the General Conference, as is by the Discipline in such cases required.]

" Kingston, Oct. 11th, 1837. Truly extracted.

" EGERTON RYERSON."

Witness proceeded.—The vote of the Annual Conference calling a meeting of the General Conference passed the 11th of August, and the meeting of the General Conference took place the 13th of the same month, when the resolution to supersede Episcopacy by an Annual Presidency was taken into consideration, and adopted by a majority of more than three-fourths.

Counsel.—You say you had a General Conference at Hallowell; how was that Conference assembled? By the President, at the request of the Annual Conference, according to the Discipline, which provides that the Superintendent may call a Meeting of the General Conference at any time at the request of the Annual Conference.

Counsel.—Had the members of the General Conference notice of the meeting? Of course they had; for they were all members of the Annual Conference.

Counsel.—What was the difference then between your Annual and General Conference? The Annual Conference was composed of all travelling preachers who had travelled *two years* and had been received into full connexion; the General Conference was composed of all travelling preachers who had travelled *four years*, and been ordained *elders*, and received into full connexion with the Conference.

The Judge.—Had you a Bishop at this time? No, my Lord, we never had a Bishop in Canada: The American General Conference authorised us to elect a Bishop, and one or more Bishops in the United States to ordain him, in case we should think proper to elect one. We did elect one in 1828, and another in 1831, but they both declined the office; so that we chose annually, from 1828 to 1832, a Superintendent *pro tempore*.

The Judge.—Had you no authority to ordain a Bishop then? No, my Lord, we only had power to elect one. [Witness here read the Resolutions of the American General Conference, held in Pittsburgh, Pa., May 1828, relative to the election of a Bishop by the Conference in Canada and the ordaining of him by Bishops in the United States, provided he should not be allowed to exercise any ecclesiastical jurisdiction in the United States.

Counsel.—Were any persons admitted to vote in your General Conference in Hallowell, who were not eligible to a seat in that body by your printed Discipline of 1829? There were.

Counsel.—Under what circumstances and by what authority were they thus admitted? They had travelled four years, been received into full connexion, and were elected to elders' orders, but had not been ordained on account of our not having a Bishop to ordain them, and not having modified our Discipline so as to administer ordination in any other way. It was thought unjust to exclude them from a privilege to which they would have been entitled had there been any Bishop in the Province. The General Conference therefore altered the rule relating to the composition of the Conference, and ordained that it should be composed of all travelling elders and *elders elect* who had travelled four years and been received into full connexion. Witness delivered to the Court the following extracts from the Journals of the General Conference:

“ Special Session of the General Conference, called by the General Superintendent, at the request of the Annual Conference, Hallowell, August 13, 1832.

“ Conference met at 6 o'clock, A. M.

NAMES OF MEMBERS:

1 William Case,	13 Phil. Smith.	25 Géo. Bissel,
2 Thos. Whitehead,	14 F. Metcalf,	26 Jas. Richardson,
3 Thomas Madden,	15 Wm. H. Williams,	27 Egn. Ryerson,
4 Peter Jones, 1st.	16 John Ryerson,	28 John Black,
5 W't Chamberlain,	17 Wm. Ryerson,	29 Anson Green,
6 Jas. Wilson,	18 David Wright,	30 Danl. McMullen,
7 Saml. Belton,	19 Wm. Griffis,	31 Andrew Prindel,
8 Wm. Brown,	20 Sol. Waldron,	32 Ezra Adams,
9 Joseph Gatchell,	21 Robt. Corson,	33 Alexr. Irvine,
10 George Ferguson,	22 Jos. Messmore,	34 King Barton.
11 David Yeomans,	23 R. Heyland,	
12 Ezra Healy,	24 Edmund Stoney,	

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" Egerton Ryerson was chosen Secretary.

" Proceeded to elect a General Superintendent *pro tempore*. The Rev. William Case was duly elected.

" RESOLVED,—That the first answer to the second question of the third section of the Discipline be expunged, and the following inserted in its place: 'The General Conference shall be composed of all the Elders and Elders elect who are members of the Annual Conference.'

NAMES OF ELDERS ELECT:

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| 1 John C. Davidson, | 7 Peter Jones, 2nd. | 13 Richard Phelps, |
| 2 Geo. Poole, | 8 Matthew Whiting, | 14 Hamilton Biggar, |
| 3 Richard Jones, | 9 William Smith, | 15 Ephm. Evans, |
| 4 John S. Atwood, | 10 John Beatty, | 16 Charles Wood, |
| 5 James Norris, | 11 Asahel Hurlburt, | 17 Thomas Bevitt. |
| 6 Cyrus R. Allison,* | 12 Alvah Adams, | |

" Adjourned until 9 o'clock A. M.

" Conference met at 9, A. M. Singing, and prayer by the President.

" RESOLVED—That this Conference, on the recommendation of three-fourths of the Annual Conference, having in view the prospect of a union with our British Brethren, agree to sanction the third Resolution of the Report of the Committee of the Annual Conference, which is as follows:—

" That Episcopacy be relinquished, (unless it will jeopard our church property or as soon as it can be secured,) and superseded by an Annual Presidency,—in connexion with the 10th Resolution of the said Report which says, 'That none of the foregoing resolutions shall be considered of any force whatever, until they shall have been acceded to on the part of the Wesleyan Missionary Committee and the British Conference, and the arrangement referred to in them shall have been completed by the two connexions.'—Adopted by three-fourths of the members.—
Adjourned *sine die*.

WILLIAM CASE, *Prest.*,
EGERTON RYERSON, *Secy.*

" Hallowell, Aug. 13th, 1832."

(Truly Extracted.)

EGERTON RYERSON.

Kingston, 11th Oct., 1837.

Counsel—Did the votes of those persons who were admitted into the General Conference, affect the decision of the question? I do not think they did, unless they rendered it somewhat less unanimous than it would have otherwise been. Eight of them were, to the best of my recollection, opposed to the then contemplated union, although I cannot say whether so large a proportion of them was opposed to the relinquishment of Episcopacy. Several who opposed the union were in favour of an Annual Presidency. Mr. Richardson, who was the Secretary of the

* Mr. Allison was ill.

Annual Conference, spoke against the union, but in favour of abolishing Episcopacy. But they were not admitted with a view to secure the adoption of the measure, but simply to have as full an expression as possible of the views of all the Preachers.

Counsel.—Were the votes of your Annual and General Conferences (for they appear in fact to have been substantially one and the same body under different names,) pretty unanimous? More than three-fourths were in favour of superseding Episcopacy by an Annual Presidency.

Counsel.—Was any objection made as to the power of your Conference to do what it did in respect to the union with the British Conference? I never heard of the expression or existence of such a doubt.

Counsel.—Did those members who constituted the minority on the question of Episcopacy and the union, show any disposition to persevere in their opposition after the disposition of those questions by the voice of so large a majority of their brethren? By no means. Far otherwise. The discussion was conducted in the most friendly manner, such as is usual on any merely precedental question; and, after the close of the proceedings on those questions, some of the leading speakers in the minority expressed their intention to acquiesce in and support the views of the majority. Not a single member left or seceded from the Conference on account of those proceedings, or showed a disposition to do so.

Counsel.—Were you not appointed by the Hallowell Conference to represent the interests of your Church on the subject of the Union in England? I was.

Counsel.—Were you aware that, in the interval between the sessions of your Conference in Hallowell, 1832, and in Toronto, 1833, there was any opposition on the part of any considerable portion of the members of your Church to the object of your mission to England? I was not. I employed every means in my power to ascertain the views and feelings of our members and friends on the subject. Immediately after the Hallowell Conference I published the proposed Articles of Union in the *Christian Guardian*, [August 29, 1832,] and requested the Presiding Elders on the different Districts to inform me of the state of feeling among our people within the bounds of their respective charges, as it would be a guide to me in my negotiations. A short time before I left the Province for England in March 1833, I received letters from two of the Chairmen on the subject. I also conversed with the other two Chairmen. From these sources I learned that the Union was, with very few individual exceptions, universally approved of by the members of our Church. The only point on which I could learn that any apprehension existed was, in relation to the appointment of Preachers to their Circuits and Stations. As the Superintendent or President had the power of stationing all the Preachers, fears were entertained in some instances that a President sent out from England might appoint English Preachers to the best Stations, and send the Canadian Preachers into the interior. I provided against the possibility of an event of this kind, by getting the consent of the British Conference to limit the power of the

President, that whilst he exercised the same functions generally as the General Superintendent had heretofore exercised, he should not station the Preachers contrary to the consent of a majority of the Chairmen of Districts associated with him as a Stationing Committee.

Counsel—I think you said you were at the Toronto Conference, held in October, 1833: will you state to the Court and to the Jury, the proceedings of that Conference on the subject of the union? I arrived in Toronto, from England, a few days before the meeting of the Conference, in company with the Rev. Mr. Marsden, who had been sent out as the Representative of the British Conference, and the Rev. Mr. Stinson, Representative of the Wesleyan Missionary Committee, whom I introduced to the Conference. Before the Meeting of the Conference, the resolutions of the Hallowell Conference, and the resolutions agreed to by the British Conference, were printed on parallel pages on the same sheet, and on the morning of the meeting, were put into the hands of each Preacher, that he might carefully examine them and compare the one with the other. After the Conference was organized in the usual way, by calling over the names of all the members, and appointing a Secretary, and some other preliminary business had been disposed of, the subject of the union was taken up, the proceedings of the Conference on which I cannot [redacted] state than in the words of the Journals, or official records. Witnessed the following, which he delivered in to the Court:—

[Extract from the Journals of the Annual Conference, held Toronto, Oct. 2nd, 1833.]

“The question of union with the British Conference was taken up. The Rev. George Marsden addressed the Conference on the object of his mission, giving an account of what had taken place in England on the question of the union, the deliberate and careful manner in which it had been examined and considered, the unanimous and deep interest which the English Preachers felt in it. Egerton Ryerson presented and read the Report of his mission to England.—See Letter I. No. 4.

“Conference proceeded to examine the articles agreed to by the British Conference, *seriatim*.—*Adjourned*.

“Conference met at 2 o’c. P. M. Singing and prayer.

“The consideration of the articles of union was resumed. The legal opinion of Messrs. Rolph and Bidwell, as to the effect which relinquishing Episcopacy might have upon the titles to church property, was read. See Letter I. No. 5.—After several hours careful investigation, it was moved by E. Ryerson, seconded by J. C. Davidson, and unanimously resolved,

That this Conference cordially concurs in the adoption of the Resolutions agreed to by the British Conference, dated Manchester, August 7th, 1833, as the basis of union between the two Conferences.”

(Truly Extracted.)

EGERTON RYERSON,

Kingston, Oct. 11th, 1837.

Witness proceeded. During the forenoon of the day following, a Committee was appointed to revise the Discipline and report thereon.—Five days afterwards, on the 7th of the same month, that Committee reported the various modifications which constitute the difference between the Discipline of 1829 and 1834. The Report was carefully considered and adopted, when it was proposed and agreed to, to call a meeting of the General Conference, to confirm what had been done by the Annual Conference, in respect to the Discipline and the Union.—Witness handed into the Court the following:—

[Extracts from the Journals of the Annual Conference, held Toronto, Oct., 1833.]

“ October 3rd.

“ A Committee to revise the Discipline was appointed, consisting of the President, Secretary, Editor, Chairmen of Districts, W. Case, W. Ryerson, D. Wright, E. Healy, and E. Evans.

“ Monday October 7th.

“ Conference met at 8 o'clock, A. M. Singing and prayer.

“ The Report of the Committee on the Discipline was presented, and taken up item by item, and agreed to in view of its adoption by the General Conference. For Report See Letter I. No. 7.

“ It was moved and resolved, That the President be requested to call a special session of the General Conference, to take into consideration some points of Discipline.

“ The President accordingly called a special session of the General Conference, to be held forthwith.”

[The above resolutions were, to the best of my knowledge and belief, adopted unanimously.]

Truly extracted.

EGERTON RYERSON.

Kingston, C. L. 11th, 1837.

Witness then handed in the following:

[Extracts from the Journals of the General Conference, held in Toronto, October 7th, 1833.]

“ Special Session of the General Conference, called by the President at the request of the Annual Conference, Oct. 7th, 1833, at York.

“ NAMES OF MEMBERS.”

[The same as were present at Hallowell, mentioned on page 48, and are therefore omitted here, though they were given into the Court.] (12)

“ Egerton Ryerson was chosen Secretary.

“ The Report of the Committee of the Annual Conference on the Discipline was maturely considered and adopted, *nem. con.* See Letter E., No. 8.

(12) Of those mentioned on page 48, as constituting the members of the General Conference, J. Gatchell and K. Barton were absent at the session in Hallowell. Mr. Gatchell was present, however, at Toronto.

[Extracts from the Report.]

“ Whenever the terms General, or Annual, or Yearly Conference or Conferences occur, they shall be superseded by the term Conference ; which term shall be exclusively applied to the annual meeting of the Ministers.

“ The terms General Superintendent and Bishop shall be superseded by the term President.

“ The terms Chairman and Presiding Elder shall be inserted promiscuously.

“ The terms Superintendent, or Superintendent of a Circuit, Minister, and Preacher, shall be inserted in place of Preacher in charge of a Circuit, Elder, and Deacon.

“ The first answer to question 3rd of the 3rd section, chap. I., shall be as follows :—The Conference shall be composed of all the Preachers who have been received into full Connexion, and have been appointed to attend by the District Meetings ; also of all those who are to be received into full Connexion.

“ The second limitation or restriction, page 18, shall read thus :—They shall not change or alter, or make any regulations that will interfere with the Articles of Union between this and the British Conference, adopted by this Conference August 1832, (and acceded to on the part of the British Conference in August 1833.)”

“ Resolved—That the title of the Church be ‘ The Wesleyan Methodist Church in British North America.’

“ Resolved—That the Articles of Union with the British Conference, adopted by the Annual Conference, be incorporated as a section of the Discipline.—Adjourned, *sine die*.

(Signed) “ WILLIAM CASE, President.

“ EGERTON RYERSON, Secretary.

“ York, Oct. 7th, 1833.”

Truly extracted,

Kingston, Oct. 11th, 1837.

EGERTON RYERSON.

Witness delivered in to the Court a copy of the Articles of Union, also of the Discipline of 1829 and 1834.

Counsel.—Were any objections or doubts expressed as to the power of the Conference to make the modifications in the Discipline it did ? None, to my knowledge.

Counsel.—Have you had any communication with experienced and leading Ministers of the Methodist Episcopal Church in the United States as to the power of the General Conference to make the alterations in the Episcopacy which you have made ? I have conversed with Bishop Hedding on the subject, and gave him a copy of our Discipline. He expressed no doubt as to the power of the General Conference in this respect ; and he thought that our dropping the word *Episcopal* from the title of the Church was unnecessary, as we evidently had the substance of Episcopacy. I wrote some time since to the Rev. Dr. Luckey, Editor of the Periodicals and Books published by the American General Con-

ference. Since the commencement of the court, I have received Dr. Luckey's answer, which states, that he had consulted the Bishop who was then presiding at the Genesee Conference, and several leading members of that body on the subject; and that it was their united opinion that the General Conference undoubtedly possessed the power, with the recommendation of the Annual Conferences, to supersede Episcopacy by a periodical Presidency. (13) I also wrote to Bishop Hedding, soliciting him to attend the Court as a witness, but have received no answer from him. (14) I also wrote to the Rev. Dr. Bangs, of New-

(13) The following is the Letter referred to:—

From the Rev. SAMUEL LUCKEY, D. D., elected by the American GENERAL CONFERENCE, Editor of the official Periodicals and Books published for the Methodist Episcopal Church in the United States.

(Copy.) Perry, Genesee Co., N. Y., Sep. 29th, 1837.

DEAR SIR.—I am at this place, attending the Genesee Conference. Your letter came to hand yesterday, via New-York. I have counselled with several of the Preachers who were at the Pittsburg General Conference, in company with the Bishop, who has been in all the General Conferences for thirty or forty years past. By their counsel I am sustained in the opinion I here offer, on the question you propose.

Question. "Has the General Conference power, under any circumstances whatever, by and with the advice of all the Annual Conferences, to render the Episcopal office periodically elective, and to dispense with the ceremony of ordination in the appointment thereto?"

Answer. In my opinion the General Conference undoubtedly has this right.—This is evident from the fact that the Discipline provides for the possibility of their doing so—as it is explicitly enumerated among the things which the General Conference shall not do without the recommendation of the Annual Conferences, plainly implying that it may do it with such recommendation.

Add to this, there is an example of an acknowledgement of a superintendent without ordination as such. In the General Minutes of 1786, or '7, or near that time, the question is asked—"Who exercise the Episcopal office?" Ans. "John Wesley, Thomas Coke and Francis Asbury."—This is according to the best of my recollection. This shows that it was not in the intention, in adopting the Episcopal mode of government, to insist on consecration as essential to one exercising the Episcopal office. Besides, it is known that our entire defence of our church organization, according to our most approved writers on that subject, proceeds on the same ground.

Yours, most affectionately,

(Signed)

SAM'L. LUCKEY.

REV. EGERTON RYERSON.

N. B. The opinion of your Chief Justice is an admirable document: the best I think I ever saw, showing the connection of law with ecclesiastical matters.

S. L.

(14) Some days after the trial, I received the following letter from Bishop Hedding:—

From the Rev. ELIJAH HEDDING, D. D., the second senior Bishop of the Methodist Episcopal Church in the United States.

(Copy.) Lansingburgh, N. Y., Oct. 12, 1837.

DEAR BROTHER.—I have just arrived at home, and found your letter. I am sorry I did not receive it early enough to render the aid you wished. The Genesee Conference did not close till the 30th ult. I suppose the law case is

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York, soliciting him to attend as a witness in this case, and I have received a letter in answer, stating that he would have had no objections to attend had he received timely notice, and adverting to his published opinions as expressive of his views on the subject. (15) In the United States there were no restrictions whatever upon the powers of the General Conference from 1784 to 1808, at which time a *delegated* General Conference was established with restricted powers.

Counsel—Do you know whether the Plaintiffs, or those connected with them, are acknowledged by the Methodist Episcopal Church in the United States, as a regular branch of that Church, or as a Methodist Church at all? I was lately present at an Annual Conference in the United States, at which one of the Preachers of the Plaintiff's party attended. He was not admitted either by the Bishop or the Conference to a seat in it, or to address it, although he desired to do so before my arrival there, as the Bishop informed me, and although the same individual had been formerly received by the Preachers of that Conference while he was connected with our Church. At the same Conference one of our Ministers and myself were spontaneously introduced by the Bishop, and requested by the Conference to take a part in its proceedings. The Conference in the United States have uniformly treated with us, since the union with the British Conference, as the same church that was formerly connected with them.

decided; therefore any thing I can write will be of no use. I would have tried to get to Kingston, had I known the request at the Gonesee Conference.

"It is clear from the *Proviso*, added to the *Restrictions* laid on the delegated General Conference, that by and with the supposed "*Recommendation*," said Conference may alter the plan, so as to make the Episcopal office periodically elective; and also so as to dispense with the ceremony of ordination in the appointment.

"I believe our church never supposed the ceremony of ordination was necessary to Episcopacy; that is, that it could not in any possible circumstances be dispensed with,—nor that it was absolutely necessary that one man should hold the Episcopal office for life. One evidence of this I find in the Minutes of our Conference for the year 1789,—four years after our church was organized. There it is asked. "Who are the persons that exercise the Episcopal office in the Methodist Church in Europe and America?" Ans. John Wesley, Thomas Coke, Francis Asbury.'—Bound Minutes, Vol. 1, p. 76. From this it appears, these Fathers considered Mr. Wesley in the Episcopal office, though he had never been admitted to it by the ceremony of ordination.

"I shall be glad to know how the law case is decided. Please write me, or send me a paper containing it.

"My best respects to — and her parents, your brothers, &c,
Dear Brother, affectionately yours,

(Signed)

ELIJAH HEDDING.

"The Rev. EGERTON RYERSON.

(15) "It will be perceived (says Dr. Bangs) from the foregoing restrictions, that, however disposed any General Conference might be to make innovations upon our established *doctrines*, or to do away with the itinerating *superintendency* [or Episcopacy] they have no authority to do so, *unless* previously recommended by all the Annual Conferences, and concurred in by two-thirds of the General Conference."—*Methodist Episcopacy, Chap. IX.—Powers of the General Conference, 1820.*

Cross-examined by Mr. Kirkpatrick.—Have you heard that Mr. Bidwell has since given a different opinion from that which has been read? I never heard that he did. All that I ever heard was, that after the decision of the Judges in the Waterloo Chapel case was made known, Mr. Bidwell said he thought still he was right.

Counsel—Do you not know that he sent another letter besides that which has been published? I do not. I never saw or heard of any other than the one which has been published.

Counsel—Were not Superannuated Preachers members of your Conference, according to the Discipline of 1829? They were of the Annual Conference, but not of the General Conference.

Counsel—Have they not sat in your General Conference? Yes, but not by the Discipline of 1829, but by that Discipline as amended by the General Conference held in Belleville in 1830. Witness read an extract from the Journals, and said the clause of the Discipline thus amended, though acted upon, had never been published, as no edition of the Discipline was printed from 1829 to 1834.

Counsel—You have stated that you have never had a Bishop, did not the Conference possess authority to elect and ordain one? It could elect, but not ordain a Bishop.

Counsel—Does not the Discipline of 1829 provide, that if by death, expulsion, or otherwise there be no Bishop remaining, the General Conference may elect, and three or more of the Elders ordain him? Yes, but that clause does not refer to the election or ordination of a *first* Bishop. It assumes the previous existence of one, and only provides for the succession in case none “remain.” The articles of separation from the Church in the United States provided for the ordination of a *first* Bishop in Canada by American Bishops. And at the Conference of 1828, when that clause of the Discipline was adopted, an individual [Rev. Dr. Fisk] was elected Bishop, with a view to his ordination by one or more American Bishops; but he afterwards declined the office.

Counsel—By whom were Preachers stationed according to the Discipline of 1829? By the Bishop or General Superintendent.

Counsel—But does it not say that the Presiding Elders shall counsel and advise in the appointment of Preachers? Yes, the Presiding Elders were a Committee of counsel and advice, but not of appointment.

Counsel—How were Elders made? The Discipline you hold in your hand will inform you.

Counsel—I dont find it here.

Witness took the Discipline, and read the clause respecting the election of Elders by the Conference, and their ordination by the Bishop, stated by two or more of the Elders present, and returned the book to Mr. Kirkpatrick.

The Sol.-General wished to ask the witness whether the Methodists in England were members of the Church of England? Witness heard the Rev. Dr. Bunting, President of the British Conference last year, state in the Conference, that as a body the Methodists were as distinct from the Church of England as any other religious denomination in

England ; that they had their own chapels, and rules, and ordinances, and ordination, and were therefore a distinct and independent Church.

Mr. Kirkpatrick.—But are not many members of the Methodist Society members of the Church of England ? They are ; for separation from the Church is not a condition of membership in the Methodist Society. But, as a body, their whole system of government and operations is as distinct from the Episcopal Church in England as it is in America. The Methodist Itinerancy is incompatible with the constitution of the Church of England. The Methodists in England are not in general what are termed *Dissenters*, for they do not as a body object to an establishment in the abstract ; but they are *Non-Conformists*, and occupy a similar position in regard to the Church with the Non-Conformists in the reign of Charles the Second. (16)

(16) Such as Richard Baxter, Bates, Howe, Joseph Allen, and others. The late Rev. Richard Watson thus describes the relation of the Methodists in England to the Church : "Separation from the Church, at a later period of Mr. Wesley's life, was certainly anticipated. That must be allowed ; but an enlightened churchman ought to think that Mr. Wesley's conduct was still worthy of praise ; for when a partial separation was in reality foreseen as probable, it had no sanction from him, and he appeared determined so to employ his influence to his last breath, that if separation did ensue, it should assume the mildest form possible, and be deprived of all hostility. His example, the spirit of his writings and his advices, all tended to this ; and the fact is, that, though Methodism now stands in a different relation to the establishment than in the days of Mr. Wesley, dissent has never been formally professed by that body, and for obvious reasons. The first is, that the separation of the greater part of the Society from the Church, did not in any great degree, result from the principles assumed by the professed dissenters, and which are usually made prominent in their discussions on the subject of establishments ; the second is, that a considerable number of Methodists actually continue in the communion of the Church of England to this day ; and the third, that to leave that communion is not, in any sense, a condition of membership with us."—"I may venture to say, that there is a warmer regard towards the Church among the body of the Methodists now, than there was in the days of Mr. Wesley ; although there were then more Methodists than at present who professed to be of her communion. We have no respect at all to her exclusive claims of divine right, or her three orders of Ministers ; and yet we have no objection to her Episcopacy, when scripturally understood, and her services. We smile at the claims she sometimes assumes to be the exclusive instructress of the people, in a country where the statute law has given them a right to be taught by whom they please, and an explicitly protects dissent as conformity ; but we rejoice that she has great influence with the mass of the population, whenever that influence is used for the promotion of true religion and good morals. We wish her prosperity and perpetuity, as we wish all other Christian Churches ; and the more so, as we recognise in her 'the mother of us all,' and can never contemplate without the deepest admiration her noble army of confessors and martyrs, and the illustrious train of her divines, whose writings have been, and continue to be, the light of christendom. If Churchmen think this feeling of any importance, let them reciprocate it ; and though the formal union of which some of them have spoken is visionary, a still stronger bond of friendship might be established ; and each might thus become more formidable against the errors and evils of the times."—*Life of Wesley*, pp. 342, 343, Am. Ed.

The views of Mr. Wesley and of the British Conference in regard to a National Church itself are thus stated in the Minutes of the Conference for 1747 :

Rev. Wm. Case.—Is a Minister of the Wesleyan-Methodist Church. Commenced his ministerial labours in Canada in 1805. Has held several offices: has been Secretary of the Conference, General Superintendent of the Church, President of the Conference, and Superintendent of Missions. Had noticed very minutely the statements made by the last witness, Rev. E. Ryerson, and believed them to be substantially correct. At the Hallowell Conference witness was requested to put to the vote the resolution for superseding Episcopacy, but declined doing so until the Conference, at his suggestion, agreed to put the resolution in the shape of a recommendation to the General Conference. Witness was opposed to the proposed modification of the Episcopal office, for fear that it might jeopardize the Church property, and for fear that it would introduce changes which would be found inconvenient to the Church generally. Such were the fears which witness then entertained; but he had since found that they were groundless. He had never any doubt as to the authority of the Conference to supersede Episcopacy; for he considered that the Discipline of the Church provided for such a change. Whatever constitutional course the Conference might take, it was always considered to be binding upon the minority; and they were not only under an obligation to submit, but it was incumbent upon them to assist in carrying into effect the measures so agreed upon. Witness was present at the American General Conference at Cincinnati in 1836: was recognized as a Representative of the Methodist Connexion in Canada, and transacted business as such. Was aware that there were persons there belonging to the Episcopalians, and that they applied to be recognized as Representatives of a Methodist Episcopal Church in Canada, and were rejected. Witness had a conversation with the Bishops, and other leading Ministers in the United States, as to the power of the General Conference to do away Episcopacy. Never heard a negative opinion expressed upon that question. From the fact that the British Methodists never adopted Episcopacy, and that the Americans did, we infer that it was never considered otherwise than as a rule of church government. (17) The government of the Church, since the

"*Ques.* What instance or ground is there in the New Testament for a National Church?

"*Ans.* We know of none at all; we apprehend it to be a merely political institution."—*Ib. p. 138.*

(17) In addition to the quotations from Mr. Wesley, made by the *Solicitor General*, pp. 15, 16, the following views of Episcopacy and church government generally are formally recorded by Mr. Wesley and his Preachers, in the Minutes of Conference for 1747:

"*Q.* If the [episcopal] plan were essential to a Christian Church, what must become of all foreign reformed Churches?

"*A.* It would follow they are no part of the Church of Christ: a consequence full of shocking absurdity.

"*Q.* In what age was the divine right of episcopacy first asserted in England?

"*A.* About the middle of Queen Elizabeth's reign: till then all the Bishops and Clergy in England continually allowed and joined in the ministrations of those who were not episcopally ordained.

act of union, remains virtually the same as before. The power which was then possessed by the Bishop is lodged in the President, with this restriction only, that he cannot station the Preachers without the concurrence of the Stationing Committee.

Rev. Anson Green.—Is a Minister of the Wesleyan Church, of the same time and standing as Rev. E. Ryerson. Was appointed to the Augusta District at the Hallowell Conference, in 1832. Had never heard any objections raised as to the power of the Conference to make the change until the year 1834, although the question had been agitated before the meeting of the Hallowell Conference, in 1832. After that Conference, witness conversed with the different members of his Church upon the terms of the union which had been there proposed, and they met with very general approbation. This fact witness communicated to Mr. E. Ryerson at the time, before he proceeded to England. As far as his knowledge extends, the Local Preachers' resolutions were concurred in by three-fourths of the official lay-members of the Church, in all parts of the Province. Witness had good reason to believe that this was the case. They received the approbation, at all events, of three-fourths of the lay-members of the Church, or else they would never

"Q. Must there not be accidental variations in the government of various Churches ?

"A. There must in the nature of things. As God variously dispenses his gifts of nature, providence, and grace, both the offices themselves, and the officers in each, ought to be varied from time to time.

"Q. Why is it, that there is no determinate plan of church-government appointed in Scripture ?

"A. Without doubt, because the wisdom of God had regard to that necessary variety.

"Q. Was there any thought of uniformity in the government of all Churches, until the time of Constantine ?

"A. It is certain there was not, nor would there have been then, had men consulted the word of God only."—(*Watson's Life of Wesley*, p. 138, Am. Ed.)

Who can read the foregoing extracts, and believe, for one moment, that Mr. Wesley ever intended Episcopacy to be an integral or un"varied" part of the Methodist Church in America; or that episcopal "officers" "ought" not to be "varied"? In what exact accordance with these views in regard to Episcopacy—Episcopal ordination—changing of Episcopal "officers"—are the sentiments of the venerable Bishop Hedding and Dr. Luckey, of the United States, inserted in a note on page 54, and which are stated to be the views of every Methodist writer, and of the American Methodist Church generally, on these subjects. How astonished would Mr. Wesley and the Fathers of American Methodism have been, at an accredited prediction, that the period was not remote when it would be even asserted and maintained, that *Methodist* Episcopal "officers," and *Methodist* Episcopal "offices," not only "ought" not, but could not be lawfully "varied," without destroying Methodist identity, and annihilating its right to church property!!!

If, then, Methodist Episcopal "officers" and "offices" were intended to be "varied from time to time," who was to be the Judge of the expediency of that variation? Who was to have the power to make it? With whom—and with whom alone—has the power been invested from the beginning? With whom alone did the Discipline lodge all the legislative power on these points that ever existed in the Methodist Church? And could any other bodies in the Church be lawfully consulted in such matters of legislation besides that body which the Discipline or "Written Constitution" has constituted the Legislature of the Church?

have been a part of the discipline. The principal difficulty which arose subsequently was, he believed, in relation to the rules respecting Local Preachers. Witness concurs in the statements of the Rev. E. Ryerson, as far as his knowledge extends.

Rev. John Ryerson was, and had been for many years a minister of the Methodist Church in Canada. Was appointed one of the delegates of his Conference to the General Conference of the American Methodist Episcopal Church held in Pittsburgh, State of Pennsylvania, in May 1828. Was authorised by the Conference he represented to apply to the American General Conference to be organized into an independent Church in Canada. The American Conference acceded to the application; and no doubt was expressed, to his knowledge, from any quarter as to the authority under which the Church in Canada was thus organized into a separate and independent body; indeed the authority of the General Conference in all matters of legislation was not questioned. Witness stated, the General Conference in the United States has always been regarded as the only body in the Church possessing legislative authority, and that any persons refusing to acquiesce in the acts of the General Conference have always been considered as seceders from the Church. That, both in England and Ireland, the acts of their respective Conferences had been maintained and confirmed by the courts of law. Witness referred to the doings of the Irish Conference, which gave rise to the Clonite division—and in England to Dr. Warren's case, &c. Witness deposed still further—that, when they became a separate and independent Church in Canada in 1828, they assumed the Episcopal form of Church government, at least in name, although in reality they never had had an Episcopacy in Canada since the organization of the Church in 1828; but they were not obliged to assume that form of government; the Conference could have assumed any other with equal facility. That the entire power of legislation for the Church in 1828 existed in the Conference; that it was then that the General or Legislative Conference was established, and the several restrictions upon the legislative power of the Conference and the power of Quarterly Meetings to legislate on matters affecting the financial interests of the Church, resulted from the spontaneous acts and feelings of the Conference itself. Witness stated—that, within the last year or two, he had conferred with the Agents of the American General Conference on matters arising out of their former relation to the American Methodist Church, and that the Church of which he was a minister was considered by the American General Conference and their Agents as the identical Church which was formerly in connexion with them. Witness said, that he had heard Mr. Green's statement as to the cause of the secession of the Plaintiffs and their party, and that he agreed with him as far as he had been able to make observations in his own extensive travels in the Province. That he was present at the Conferences held in Hallowell in 1832, and in Toronto 1833; and that he could corroborate the accounts given of the proceedings of those Conferences by Mr. Egerton Ryerson, Mr. Case, and Mr. Green.

Cross-examined by Mr. Kirkpatrick.—Were not certain Resolutions respecting Local Preachers, &c., entrusted to you to be laid before the Quarterly Meeting in Belleville? Yes, they were.

Counsel.—Did you not propose those Resolutions to the Quarterly Meeting without giving them any previous notice? *Mr. R.*—I read the Resolutions to the first Quarterly Meeting I attended after the Toronto Conference; and, as some of the members—especially Mr. Reynolds—complained that they had not had time to examine the Resolutions, I consented to their being laid over for three months, that the members of the meeting might well consider them; and I requested Mr. Davidson, the Superintendent of the Station, to give Mr. Reynolds a copy of them.

Counsel.—Did you not refuse to put the Resolutions to the Quarterly Meeting? *Mr. R.*—No, I did not: Before the second Quarterly Meeting at Belleville came, I learned, from the Editor of the *Guardian*, who was appointed to publish the Discipline, that the Resolutions had received the sanction of a majority of two-thirds of all the Quarterly Meetings. I stated this to the Quarterly Meeting at Belleville, and therefore the Resolutions were not put as a matter of course, as they at that time were a part of the Discipline—they having received the “consent of two-thirds of the Quarterly Meetings throughout the whole Connexion.” (18)

To a question from the *Sol. General*—Witness does not think a Quarterly Meeting the place to station Preachers, and that a Superannuated Preacher has not nor never had authority in the Methodist Church to station Preachers.

Mr. Kirkpatrick.—Suppose every official member had left the Church, do you not suppose that a Superannuated Preacher would in that case have been authorised to act? *Mr. R.*—He might be authorised to act as an individual, or as Joseph Gatchell; but *his actions* would not be the doings of the Church,—the Methodist Church could not remain in *one man*.

(18) The correctness of the views and statements respecting the Local Preachers' regulations, thus given by Mr. Green, as well as Mr. J. Ryerson, is illustrated by an *editorial* article in the *Christian Guardian*, which was published while these regulations were under the consideration of the Quarterly Meetings: “The regulations respecting Local Preachers' meetings, in connexion with Travelling Preachers' district meetings, so far from having been adopted finally by the Conference, have been recommended by the Conference to be laid before the official members of every circuit throughout the whole connexion; and they were *never recommended or mentioned in England*—formed no part of the *Articles of Union*—and may be approved or not by the Quarterly Conference without in the slightest degree affecting the Union. And that these regulations are calculated to be beneficial to the Local as well as Travelling Preachers, is obvious from the fact of their having been approved of by nearly every Local Preacher, and adopted by the Quarterly Conferences on all the circuits from which we have heard, except one. We witnessed this in regard to York, where we believe there is as much intelligence and knowledge of rights, as in any other part of the Province.”—*Guardian*, Dec. 25, 1833.

Here the Defence closed, and the Plaintiffs then called
Nathan Parks. Witness is a member of the Methodist Episcopal Church, and had been so more than eleven years; and during all that time had been a member of no other Church. After the Conference of 1833, refused to hold any connexion with the Wesleyan Church. Was then an exhorter; his class resided in the Fourth Concession of Sidney. They had manifested a spirit of inquiry as to what the Conference were about, and what object they had in view; in answer, they were told, "O, it is all for the glory of God." Witness replied, it was just such an answer as he might have expected—like the answer which Saul made unto Samuel, when asked "What meaneth the lowing of oxen and the bleating of sheep in mine ears?"

Cross-examined.—The officers of the Wesleyan Church came to witness and wished to change the heading of his class-paper. Understood that they were acting under the authority of Conference: refused to alter the paper, and told them that he would not join their Church.

Counsel.—You as an individual refused to recognize what had been done by the Conference? I told them I did not consider myself a member of their Church.—Did you not make use of these words, "I will withdraw from your Church?" No, I said I would withdraw—that is, from the building. This was in 1834.—Was there any other Methodist Church, besides the Wesleyan, between the time of the Toronto Conference and the fall of 1834? I considered that there was.—Then you must have considered that your class of lay members made a Church: Do you mean to say that you were acting under the authority of a Church and that you were licensed as an exhorter? Yes.—Are not the licenses required to be renewed annually? Yes.—Who was it that renewed yours? Mine was renewed in September, 1834. Never had a license previous to 1832; never received one from John Ryerson.
(19)

Thaldeus Lewis.—Had been a member of the Methodist Episcopal Church in Canada for twenty-five years. Knew something about the proceedings of the Conference, but they did not meet his views. Considered the proceedings illegal. Did not believe that any body of people had the power to abolish the Church, or to transfer its members to another. The Episcopal Church is still in existence, and they have held a Conference every year since the time of the separation. The Church is regularly organised, and their ministers are licensed by the Quarter-Sessions to solemnise matrimony.

(19) Whether *Parks* has ever been a member of the Wesleyan Methodist Church or not is of no importance; it has already been proved beyond all possible doubt that all the Plaintiffs in the action were members of the Church even six months after the publication of the present Discipline. There were, however, witnesses and official records in Court to prove that Parks himself was, to all intents and purposes, a member of the Wesleyan Methodist Church for many months after the Union—that he was actually licensed as an Exhorter by the Rev. John Ryerson, who was Chairman of the District, and presided in the Quarterly Meeting, September, 1834. But as his evidence was merely collateral, such a refutation, we were informed, was inadmissible.

Cross-examined.—Witness was a Local Preacher in 1833.

Counsel.—One of those who complain so much of regulation respecting Local Preachers. As you say the Conference acted illegally and separated themselves from you, when and in what manner did they cease to be a part of the Church? I considered that they ceased to be a part when they agreed to the proposal of the English Conference and received Mr. Maraden as their President and adopted the new name. Do you consider the adoption of the new name a matter of substance sufficient to alter the Church? I should not consider the name itself a matter of much consequence.

Counsel.—I would like to know whether it is a part of the faith or doctrine of Methodism that you should have an Episcopal form of Government? I never thought that it was; I considered it a form only.—Are the doctrines professed by Methodists in England different from those of Canada or the United States? I never considered that there was any difference in the doctrines held by the three Churches.

Counsel.—Then I would like to know how a Church can be changed, and yet remain the same? I consider that they made such a change that they were no longer the same.—Do you think they ceased to be members of the Methodist Church? I do not say that they are not Methodists, but I say they are not Episcopal Methodists, because they ceased to adhere to the Discipline of 1829.—Had you any Bishop before Mr. Reynolds? No.—Were you a Church, then, before he was ordained? Yes; our ministers received ordination from the American Bishop. (20) The Conference at Yonge Street, 1834, was composed of Local Preachers, with the exception of the Rev. Joseph Gatchell. Rev. John Bailey presided.—Could a Local Preacher, according to the Discipline, preside at a Conference? It was done through necessity.

John Bailey, sworn.—Witness was a member of the Methodist Episcopal Church in 1834.

Counsel.—Did anything transpire with relation to the proceedings of the Toronto Conference by which the feelings and views of the Episcopals were testified to? After the act declaring the Union they were unanimously voted down. At a Quarterly Conference held in the town of London, at which Mr. Metcalf intended to preside, the question was asked him whether he appeared as Presiding Elder of the Methodist Episcopal Church or of the British Wesleyan? he answered, of the British Wesleyan. He was then requested to leave the Chair, and the Meeting proceeded to transact business as a Methodist Episcopal Conference. Witness was a delegate to the Cincinnati Conference, and

(20) The last ordination performed by an American Bishop was at the Conference held in Kingston, 1830. No American Bishop has ordained any Preacher for the Episcopal party since their secession from the Wesleyan Methodist Church, or in any way countenanced their proceedings. Lewis himself has actually been licensed as a Local Preacher of the Wesleyan Methodist Church by the Rev. John Ryerson since the Union.

was received as all delegates are usually received. (21) They were not seeking the loaves and fishes.

Cross-examined.—It was witness's desire to be admitted a member of the Travelling Connexion at Toronto in 1833. They had agreed to the Union before he received his appointment to a station ; but he did not on that account consider himself a member of the Wesleyan Church.

Counsel.—I wish to know how it was that the Quarterly Conference had the power to interfere with the acts of the General Conference ?

(21) I have been informed that Mr. Bailey was asked the day after the trial, how he could state that the Episcopalians were recognized by the American General Conference ? He replied that he had not said so ; he was not asked that question ; he was only asked whether he was received as a delegate ; he knew they were not acknowledged as a Methodist Church, and he should have said so if he had been asked the question. The fact is, Mr. Bailey and the other delegate from the Episcopal party were permitted to address the American General Conference in support of the petition of which they were bearers. Thus far they were received as "delegates usually are;" but they were not admitted as members of the Conference, as were the Rev. Messrs. Case and Lord from the Conference of the Wesleyan-Methodist Church ; and their application to be recognized as a body was rejected, as stated by Mr. Case in his evidence, page 58. Mr. Case's evidence is further corroborated by the fact, that a resolution was proposed by a member to admit Mr. Bailey and his colleague to a seat in the Conference, and was at once rejected ; so that Mr. Bailey and his colleague were not even admitted to sit among the members, but sat below the bar among the spectators during the whole of their attendance at the Conference. Mr. Bailey says that they did not seek for "loaves and fishes." Whether Mr. Bailey was entertained upon "loaves and fishes" in Cincinnati, or whether he is a lover of them or not, I am not able to say ; but I perceive that in the petition which he presented and advocated at the American Conference, application is made for "sums of money," as well as for other countenance and assistance. However, it is nothing new that grapes are sour as soon as they are known to be out of reach.

The following statement, received while these sheets are passing through the press, is from a principal member of the Committee of the American General Conference, to whom the petition of the pseudo-Episcopalians was referred, contains an additional testimony to the light in which that party are viewed by the Methodist Episcopal Church in the United States. Mr. Griffith was the only member of the Committee referred to with whom I could meet during a recent tour in the United States, otherwise I could, doubtless, have obtained the concurring testimony of the other members of that Committee.

" BALTIMORE, November 23, 1837.

" REV. E. RYERSON.

" DEAR BROTHER,—I would hereby state in reply to your request, that I was a member of the Committee of the General Conference of 1836, held in Cincinnati, Ohio, who examined the memorial and other documents presented by the Gentlemen representing the party, calling themselves the Methodist E. Church in Canada; and that the Committee, of which the Rev. D. OSBURNDA, of New York, was Chairman, reported adversely to the prayer of the Memorialists, (they applied to be recognised as the Methodist E. Church in Canada) and that the Report of the Committee was adopted by a majority of more than two-thirds of the members of said General Conference.

With affectionate esteem, Yours,

ALFRED GRIFFITH.

" N. B. Indeed I do not recollect that there were more than two dissenting voices.

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They had an undoubted right to express their sentiments upon the subject.

Counsel.—Are not the acts of the Conference binding on all the members of the Church? I have known instances of their being petitioned against in the United States.

Counsel.—But does not the very fact of their having been petitioned against show that they were considered binding upon the members of the church? I do not know that there have been any instances in this country, except in relation to the Union.

Albert Taylor.—Witness was a member of the Methodist Episcopal Church, and had never assented to the change, and never become a member of the Wesleyan Church. Although they had been assured that no new measures were to be introduced, and the Presiding Elder told them if such were to be the case, that is, if new regulations were to be introduced, he would be the first to hold up both his hands against it. Witness was a Local Preacher of the Methodist Episcopal Church in 1833, after the Toronto Conference,

Cross-Examined by Mr. Murney. Got his licence from the Rev. John Ryerson. Preached in the Third Concession of Sidney, and was received as a Methodist Episcopal Preacher. Continued to preach to January, 1834. Never received any authority from the Toronto Conference. Was not preaching in opposition to that Conference, nor under its sanction. Was in the habit of attending the ordinances of the Wesleyan Church. The Wesleyans voted witness a licence in 1834, but he never acted under it; got a renewal of his license from the Methodist Episcopals. The Presiding Elder told him to remain quietly until the Discipline should come out; he did so.

Counsel.—What was it you found fault with? The abolition of Episcopacy was one thing.

Counsel.—Did you not know that Episcopacy had been abolished before you saw the Discipline? Of course I was aware of it. There were other things I found fault with. Witness continued to attend that Church and the Leaders' Meeting, and received the Sacrament, but was never a Wesleyan.

The JUDGE asked if the Counsel for the Defendants wished to address the Jury again? The SOLICITOR GENERAL replied, that he did not think it worth while to say any thing in reply to such evidence.

Mr. KIRKPATRICK, Counsel for the Plaintiffs, then addressed the Jury.

Gentlemen of the Jury,—

At this hour of the night, after so much time has been taken up by the evidence, and particularly after the very eloquent address which you have heard from the learned Counsel on the defence, it would be improper for me to detain you with a lengthy speech. The case is a very simple and plain one indeed. The sole question is whether the Trustees ought to recover in this action. All the facts are now before the Court, and upon those facts is the case to be decided, and not upon

the doctrines laid down by the learned Counsel in his long and ingenious harangue. If you would believe him, he would have you give a verdict contrary to the law of the land: but, I trust, he has laboured altogether in vain. However, I will not follow him through the whole of his address, but will merely allude to a few of the most important features it contained. I was very glad to hear him acknowledge that the main body of the church should be considered as all, for the after part of his speech would lead you to suppose that they were to be overlooked altogether, and only the leaders be regarded in the making of laws and ordinances to bind the congregation. What security or stability would there be in such a case. Whenever a few of the leading Ministers chose to transfer the body of the church to any other denomination, and incorporate them therewith, what was there to prevent them from doing so. There would be no check upon them. It has been urged on the part of the Defendants, that several of the Plaintiffs ceased to be members of the Episcopal Church. If they did so, it was with a view, as the witnesses stated to you this day, of first ascertaining whether any thing essential would be proposed to be changed before they declared their assent or dissent; and this is now made use of as an argument against them. It has been shown that some of them never took any part in the proceedings of the Wesleyan Church at all, and as soon as the Discipline was published, they found it impossible to concur. (22)

(22) These statements are very extraordinary. The regulations respecting local preachers, were published in the *Christian Guardian* of the 1st of January 1834, and all the material alterations in the Discipline were published in the *Guardian* during the months of December 1833, and January 1834; the entire Discipline was advertized for sale in March 1834; and not one of the Plaintiffs seceded from the church until the September following—nearly, if not quite, six months afterwards. It has also been shown that every one of the Plaintiffs “took a part in the proceedings of the Wesleyan Church,” eleven months after the union.

It must have also been mortifying indeed to Mr. Kirkpatrick to be the vehicle of such trash about “a few leading ministers transferring the body of the Church to any other denomination;” when the union between the British and Canadian Conferences is based upon the fact, that they constitute one Church, and ought therefore to combine their exertions under one management where ever it is practicable, as is clearly set forth in the preamble of the articles of Union. But that which Mr. Kirkpatrick supposes as absurd and awful, has actually been done—as the Solicitor General has shown by immeasurable authorities—by even “a few leading ministers” in the United States in 1784, when 60 ministers of 81 met, and separated the “body of the Church” or Societies from the Church of England, and established an entirely new form of Government. Is not the same power which can organize one church into two churches, competent to unite two churches into one? But no such power is assumed to exist in the Conference; the union was nothing more than connecting more intimately the branch with the Parent stock, from whence it sprung. The most sensible of the Plaintiff’s witnesses—Mr. T. Lewis—proves all that we could desire on this point, namely, that the *doctrines* of the Methodists in America and in England “are the same,” and that *Episcopacy* is a “form only,” and that the “name” of the Church is “not a matter of much consequence.”

Another fact is not less remarkable. It is known that political feeling has done as much, in many instances, to promote this episcopal schism, as religious

I think, Gentlemen, in this case, there will be but little for you to try; it is altogether a question of law. A great exertion has been made to excite the public mind upon the case, and I will read to you an article published in the *Christian Guardian*:—

feeling. The persons who exclaim against the Conference, profess to advocate on all occasions and to the widest extent, the government of *majorities*—in civil affairs, the majority of the people,—in religious affairs, the majority of the church. Well, how does their conduct in these matters illustrate their consistency and the genuineness of their profession? A majority of nine-tenths of the church and the Conference support the union and the annual presidency, which these professedly majority government men resist! These men, most of whom are zealous advocates of the annual election of members of parliament, Governors, Magistrates, &c., are at war to the jury box, and almost to the knife, against the annual election of a Governor or President for the Church! Again, in regard to the regulations respecting local preachers, the Conference proceeded according to the broadest principles of popular government; it resolved that they should not become a law of the church, unless they were sanctioned by a majority of three-fourths of the official lay-members of the Church. Yet these very regulations, thus adopted, are, as appears by the preponderating evidence of witnesses on both sides—the principal cause and object of relentless opposition by the men who acknowledge the legitimacy of no government which is not established upon the majority principle. However, the term majority, in the mouths of some persons, by a convenient figure of speech, means themselves, and is equally theirs, and they the church or the nation, whether they are associated with nine tenths of a community, or whether they are one of three in Mr. John Reynold's "prayer-meeting" in Belleville, or one of a dozen in a conventional meeting at Mr. John Doe's in Toronto.

The excellency of the regulations respecting local preachers is, I believe, acknowledged by every unprejudiced member of the Church who has carefully examined them. The absolute necessity of some regulations of the kind has long been felt and observed by many local preachers and lay-members, as well as those on whom devolved the management of the work. They are adapted to secure unity, efficacy and brotherly understanding in regard to the whole work of edification in the Church. At the same time when these salutary regulations were recommended by the Conference to the consideration and concurrence of the several quarterly meetings throughout the Province, the Preachers imposed many additional duties and obligations upon themselves, about which nothing has been said, but which will be found, on examination, to be of the most comprehensive and important character.

But men who have been unwillingly deluded or tempted into the notion, that they are called only to rule, and not at all to be ruled; that they are called to be local preachers, and to the exercise of ministerial functions, when they do not even know the ten commandments, much less know to "preach the word," that they are called to be travelling preachers, when they had as well not be local preachers;—men of this conceit and spirit, ever since the days of Church organization by the Apostles, have risen up, from time to time, against the appointed and necessary authorities, and the wisest measures, for the edification of the church and conversion of the world. And as it is easier to glide down the stream than to advance against it, so perverse or misguided man may do much harm, whose name would have otherwise been undistinguished in the crowd; but whose works though done in secret here, would have appeared in the day of the revelation of all things, "to glory, and honour, and eternal life."

It is, however, a matter of congratulation and thankfulness, that in this era of change and agitation, so few comparatively have missed their way in the present eventful crisis of our church's history, and that the great body of the people, with their ministers, are keeping the unity of the spirit in the bonds of peace, and abounding in their own proper work of faith and labour of love.

"More than a year ago, the leaders of the party calling themselves the Methodist Episcopal Church in Canada, entered an action of ejectment against the Trustees of the Wesleyan-Methodist Chapel in Belleville, the trial of which was expected to have taken place at the same time as the Waterloo Chapel case. Considerable expense was incurred by the Defendants in preparing their defence, and when the time arrived, the *party* put off the trial for a year. It is now, we understand, their intention to bring it on at the Kingston Assizes, which are held this week, and in order to harrass the Wesleyan Church as much as possible, they have brought another suit, to be tried *at the same time*, at Niagara! When the principle involved could as well be settled by one case, this course can only be attributed to a litigious and bitter spirit of party, or to a design to divide the witnesses on behalf of the Wesleyan Church, by requiring them to defend two suits at the same time."

Now, Gentlemen, I would ask you, which party has shown the litigious spirit. It was thought that the decision in one case would settle all, but they show a determination to contest the claim as long as they possibly can. Is it a very hard case that the Plaintiffs should seek for their right. (23) When you come to reflect upon the circumstances, Gentlemen, you will find that the Chapel in Belleville was built by the money raised by those very persons (24) who are now called the originators of the contest, and that merely because they demand their rights.—Whoever chose to join themselves to the Wesleyan Church, were perfectly at liberty to do so, but they had no right to take the property with them. but I dare say you have remarked that the Wesleyans took good care to look well after the loaves and fishes. (25)

Gentlemen, I will not detain you any longer; it will be your duty to be guided by the charge of the Court, and I am convinced the verdict

(23) It is one thing for a man to seek for his right, it is another thing for him to invade the rights of others.

(24) I was present a few days ago, when the Subscription Books of the Belleville Chapel were examined, in order to ascertain what proportion of the subscriptions towards the erection of the Chapel, had been paid by the Episcopal party, when it appeared that a few pounds more or less than *one third* of the *paid* subscriptions had been paid by the party, who have instructed their Counsel to represent the Chapel as having been built with the money raised by them.—The Chapel was also built subject, as the Deed specifies, to the "Rules and Discipline which might from time to time be adopted by the General or Annual Conference;"—by that very Conference which Mr. Reynolds attended in Hallowell, and the proceedings of which, after its meetings in Hallowell 1832, and Toronto, 1833, he strongly advocated,—especially as they would relieve the people "from the heavy hand of a Bishop" and the proceedings of which he continued to advocate until he thought himself neglected by certain Preachers, as I can state on good authority.

(25) This mean and mercenary imputation against the Wesleyan Methodist Church presents a sorry contrast to the noble and christian sentiments, with which the Solicitor General's address abounds. But in such circumstances, Mr. Kirkpatrick was rather to be pitied than blamed; for the cause he had employed to advocate lives and moves ~~but~~ has its being in the atmosphere of that kind of detraction.

must be in favour of the Plaintiffs in this case. The other party have declared their intention to take the case to the Court of Chancery.—They have taken all the wealth of the Church with them, and they are now endeavouring to harrass the Plaintiffs, and prevent them from obtaining justice. But, Gentlemen, the source of justice is too pure to be contaminated by them, and I am satisfied that my clients will eventually have justice done them.

His Lordship, the JUDGE, before summing up the evidence observed to the Jury, that he regretted exceedingly that the Counsel for the parties would not agree to a special verdict, in order that the case might be put in such a shape as would enable the unsuccessful party to appeal to the highest tribunal for a decision, which would finally settle the important question at issue in this cause, and prevent all future litigation between the Methodists upon the same point. (26) As this could not be done, they would be compelled to take the matter into their consideration, and deal with it according to the best of their judgment. The action is brought by a number of persons, under an Act conferring corporate powers for the purpose of holding lands in trust for the benefit of a religious body. I know nothing respecting the question more than what has appeared in this case. I have never read the opinion of the Judges of the King's Bench on the case which was tried last year. I understand the question discussed was whether the Methodist body had a right to abolish Episcopacy, and upon that depended the determination of the question, as to who were seceders. That one of the Judges was of opinion, that they still remained the same church. Two of them, however, were of opinion that they had no right to make the change, (27) and that, therefore, the property belonged to the body calling themselves Episcopalians. If the opinions of the Court had been unanimous, the probability is, it would have been acquiesced in.

The question for you to decide in the present case is, whether it is still the same church it was when the Deed was given—or whether they have made that essential alteration which will prevent the Wesleyans from holding the lands in question.

There has been a great deal of evidence given. That on the part of the Plaintiffs is to show that they continue still to be Episcopal Methodists—that by the act of the Conference of Hallowell, in 1832, confirmed by that of Toronto, in 1833, the Wesleyans seceded from that church, and forfeited their claim to the land. On the other hand, it is contended that the change was a change of name, and not of substance; only an alteration in the Discipline, and no change in matters of faith or

(26) The Counsel for the Plaintiff refused to consent to a special verdict, according to the Judge's recommendation, subject to the decision of the Judges of the Court of King's Bench.

(27) His Lordship is a little mistaken on this point. Judge Macaulay only objected to the right of the Conference to make the change. Judge Sherwood admitted the right, but objected to the manner in which the change had been made.

doctrine; and that those who say they will not obey the Conference are the seceders; because under the Constitution of the Methodist Church, Travelling Preachers have the right to legislate for the whole community, and that all the members are bound to obey such rules as they make. They contend, therefore, that the Plaintiffs, by refusing to obey the rules of the Conference, have seceded, and ceased to be members of the church into which the original church has merged, and that, therefore, they have lost all title to the lands.

(His Lordship proceeded to read his notes of the evidence on both sides, making such remarks as appeared applicable.)

The question for your decision may be briefly stated thus:—

If you consider that the Conference at Hallowell (whose proceedings were confirmed and finally ratified at Toronto, in October, 1883,) had authority to make the change which they did make, that of abolishing the name of Episcopacy, and that their rules and regulations are the laws of the Conference, by which all the Methodists are bound, the Plaintiffs in this action are seceders from the Church, and can never recover. If, on the other hand, this Conference exceeded its authority; and had no right to abolish Episcopacy, or having the right did not legally abolish it, the Defendants are seceders, and the Trustees, Defendants, ceased to be Episcopal Methodists, and the Plaintiffs are entitled to recover. (28)

(28) On the following morning the Jury returned a verdict for the Plaintiff, when the Counsel for the Defendants appealed to the Court of King's Bench, upon the grounds of exception placed upon record by the Solicitor General before he entered upon the defence. The verdict of the Jury was anticipated, from the opinions which had been expressed by some of them previous to the trial, and from other circumstances; and therefore it was the object of the Counsel for the Defendants to take the requisite precautions for future proceedings, and to place upon the records of the Court such evidence as would enable the Judges fully to understand the merits of the case and decide accordingly.

From matters small and trivial in themselves, how often do restless and litigious men disturb the peace of communities—impede the progress of religion, and sacrifice its best interests. Fearful is the responsibility of such a course.—But to the individual and the community who aims supremely to promote the Divine glory, we are assured, upon the highest authority, all things shall be overruled for good. Duty is ours; events belong to Him who “sees the end from the beginning,” and who makes the “wrath of man to praise him, and restrains the remainder of wrath.”

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A P P E N D I X.

E X P L A N A T O R Y R E M A R K S.

During the progress of the foregoing pages through the press, I have made a tour of 1500 miles in the United States, in order to collect all the Books and Information I could obtain relative to the organization of the American Methodist Church, the character of its Episcopacy, and the powers of the General Conference.

I have succeeded in obtaining by way of *loan* (for they were not to be bought) copies of the Prayer-Book and Liturgy, drawn up and printed by Mr. Wesley, and recommended by him to the American Societies on their organization as a Church, and entitled "*The Sunday Service of the Methodists in the United States of America, with other occasional Services;*" the Minutes of the American Conference, held in 1781, "*composing a Form of Discipline for the Ministers, Preachers, and other Members of the Methodist Episcopal Church in America;*" the Minutes of several Conferences, throwing light upon the early history of American Methodist polity; "*History of the Methodists in the United States,* by Jesse Lee, Chaplain to Congress," who was one of the framers of the Constitution of the American Methodist Church, and who states very minutely every alteration that was made in the Discipline and Government of the Church from 1766 to 1809; "*The Doctrines and Discipline of the Methodist Episcopal Church in America, with Explanatory Notes by Thomas Coke and Francis Asbury,*" 1798, quoted at length by the learned Solicitor General, p. 23; different editions of the American Discipline, showing important alterations which have been made by the General Conference; such volumes and numbers of the *American Methodist Magazine*, as contain any thing of importance relative to the organization and government of the Church.

I failed in my endeavours to obtain an original copy of the Pamphlet, published by the Rev. John Dickens, at the request of the Conference held in Philadelphia in 1792, and quoted by the Solicitor General, pages 27, 28—though I called upon Mr. Dickens' grand children in Baltimore for that purpose, and they made every search among the books and papers of their venerable grand-father for it. But as the Solicitor General's quotations are taken from the late Bishop Emory's *Defence of our Fathers*, pages 65, 66, there can be no doubt of their correctness.

I succeeded in procuring copies of "*Cooper on Asbury*," and a late History of the American Methodist Church, (which has already passed through two or three editions,) by James Young, A. M.; but they were accidentally mislaid by a friend in New-York. I regret this the more, because there is an Appendix to Mr. Cooper's Discourse on the Life and Character of Bishop Asbury, expressing at length the same views of Church Government which are avowed by the late Bishop Emory in his Defence of our Fathers, page 7. But this deficiency is, to a great extent, supplied by an original Letter from the venerable Mr. Cooper, (which will be inserted in a subsequent page,) and from the fact that the correctness of the quotations from his Book made by the Solicitor General, p. 19, will not be questioned, as they are also taken from Bishop Emory's Defence of our Fathers, p. 71. The absence of Mr. Young's History is to be regretted, on account of its containing an elaborate chapter on *Ordination*, in which he maintains, with other Methodistic writers, that *imposition of hands* is not essential, and that *ordination* amongst the Methodists in *England* and in *America*, rests upon the *same* grounds. However, other facts, and the testimonies of the only two Representatives of the American Methodist Church to the British Conference—Drs. Emory and Fisk—will, I think, place this point beyond dispute.

Furthermore, I have personally waited upon, and procured in writing the views of, the only four Preachers in America, or in the world, who were itinerant Ministers in the United States in 1784—the period of the organization of the Methodist Episcopal Church in America.

With this preliminary explanation, I proceed to lay the result of my inquiries before the public, in order to facilitate the investigations of the Court, and to furnish to Methodist antiquarians some curious information respecting the ecclesiastical polity of Wesleyan-Methodism. I beg, however, in the first place, to premise four things: 1. I assume that the evidence contained in the foregoing pages, whilst it proves that the pseudo-Episcopalians possess not one single attribute or quality of the original Methodist Episcopal Church in Canada, except the assumption of the name, and are denied to be that Church by the Methodist Episcopal Church in the United States, proves also that the Wesleyan Conference, in its *mode* of proceeding, has observed the letter of its Discipline—reducing the question at issue to the simple point, whether the Conference had constitutional power to adopt the measures it did adopt. 2. That it is difficult to find direct testimonies of the original framers of the Methodist Discipline on points which have never before been agitated in the Church; it is only by accidental occurrences, and references in the few Books which, as yet, have been written on the subject of Methodist Church polity, and the recollections of patriarchal Ministers, that we can learn the views and intentions of the Fathers of Methodism in reference to its episcopacy and government. 3. The *original Books* and Letters quoted in the subsequent pages will be placed in the hands of the Defendants' Counsel, at the service of their Lordships. 4. Every thing that I have read or heard, without a single

exception or variation, has tended to illustrate and confirm the views of the government and economy of Methodism set forth in the elaborate opinion of the Hon. *Chief Justice Robinson*;—so much so, that the conductors of the *American Methodist Magazine and Quarterly Review* informed me that they had selected the opinion of our Chief Justice for insertion in a forthcoming number of that periodical, as the most eloquent and able essay on the ecclesiastical polity of Methodism, and its connexion with Civil Law, that they had ever read.

E. RYERSON.

December 15, 1837.



I. *Conference of Ministers the Legislative body in the Methodist Church.*

Strictly speaking, there is no *Legislation* in the Methodist Church. No body in it arrogates the power to make laws of moral or civil force. The Church is a voluntary association, and the utmost extent to which any thing like *legislation* obtains in it, is the adoption of prudential regulations, not contrary to the word of God, for the guidance of those who voluntarily join the church, and voluntarily remain in it. It is only therefore in an accommodated and very limited sense, that the term *legislative* is employed to distinguish any body in the Methodist Church. Holding as the Methodist Church does, that though ecclesiastical as well as civil government is *divine*, yet the *form* and *organization* of it is left to human appointment and control, the power of legislation in this modified sense, has been, from the beginning, invested solely in the Conference of Ministers. An infringement upon this principle was considered by Mr. Wesley as striking “a blow at the very root of Methodism.”—(*Works Vol. XIII.*, p. 115.) The SOL. GENERAL, p. 21, has quoted the authority of Bishop Emory to show that “this was, undeniably, in accordance with the original principle on which Methodist Societies had been gathered and united by the preachers.” It will be sufficient to add the testimonies of the Rev. Thomas Ware—a member of the American General Conference in 1784—the Editors of the *American Methodist Magazine*,—and of the Rev. Dr. Bangs.

“That our ecclesiastical polity and discipline (says Mr. Ware, in his account of the organization of the Church) would not be formed upon the model of our civil institutions, or of other churches, did not escape us; but we did believe, and so did our people too, that it was expedient to frame them as we did, *in order to keep the itinerant system in operation*; and in this we thought with the father of itinerancy. We denied not the right of any people to choose their own pastors, or to have a representative polity if they would. But should our societies deem it expedient so to do, they would take on themselves a high responsibility, *for they would destroy the itinerant system.*”

"We believe," (say the Editors of the Methodist Magazine, in a note) "we believe, moreover, that no instance can be adduced, either from the Holy Scriptures, or from all primitive antiquity, of any such thing as a representative church polity."—(*The Methodist Magazine and Quarterly Review*, Vol. XIV. 1832, p. 99.)

"It has been objected to us, (says Dr. Bangs) that we are not Scriptural, because our Conferences are entirely composed of ecclesiastics, by which the laity are excluded from any share in the government of the church. The laity are not excluded from any share in the *administration* of the government, as we shall notice presently more fully, although they are, it is acknowledged, excluded from any immediate share in the *legislative* acts of the church. But whatever may be pleaded from the usages of other churches, in favor of associating lay members with the body of elders in making rules of discipline for the Government of the church, it is certain, I think, that no precedent for this practice can be found in the Holy Scriptures. The inferior branches of the church were executive bodies, whose duty it was to carry into execution the laws enacted by those to whom the right of making them belonged. In this respect, therefore, we think we are justified from Scripture authority."—(*Vindication of Methodist Episcopacy* p. p. 142, 143.)

II. Church Government.

In pages 15, 16, and 17, the SOL. GENERAL has adduced the authorities of Mr. Wesley, distinguished prelates and divines of the Church of England, and the late Bishop Emory, of the M. E. Church, to prove that no particular form of Church Government is held by the Methodists to have been prescribed in the Scriptures, but that "any particular form of government, agreed on by the governors of the church, consonant to the general rules of Scripture, is by divine right." In note 17, on pages 58, 59, I have shown that the same views are deliberately and solemnly recorded by Mr. Wesley and his Preachers in their *Minutes of Conference*. "Our views are, (say the Editors of the American Methodist Magazine,) that as no specific form of church government is prescribed in Scripture, as of exclusive divine right or obligation, in settling the government of any church, that form ought to be adopted which, allowing for the difference of times and circumstances, is most congenial with apostolical practice, and best calculated to promote the cause of Christ. On these principles the Methodist Episcopal Church was organized, and continues its organization, with the concurrent sanction of preachers and people." (Vol. XIV. 1832, p. 99.)—Dr. Bangs, in his *Vindication of Methodist Episcopacy*, (Chap. IV, headed "*no particular form of Church Government prescribed in Scripture,*") expresses the same sentiments. The same views have also been maintained by the Editor in the official organ of the Methodist Church in Canada, long before the Union. See *Christian Guardian* Vol. I. June 26, 1830; nor do I know an exception to these views among Methodist Writers in Europe or America.

III. *Methodist Episcopacy.*

"The Methodist Episcopal Church not only *admits*, but *asserts* and *maintains*, and always has done so, that *bishops* and *presbyters* are *inherently* and *essentially* the same order. Its Episcopacy was originally and avowedly instituted, and still rests on this very principle. But we assert, at the same time, that this original equality does not render it *unlawful* for the body of presbyters, in circumstances which appear to them to render it expedient, to delegate to one of their order, a *more extensive exercise of the power of oversight* :—or to commit to some, as the organs of the body, a larger executive part of that power, which *originally* and *fundamentally* was *common to them all*. This is *Methodist Episcopacy*." (*Editors of the American Methodist Magazine*, Vol. XII., 1830, p. p. 81, 82.) "According to Cranmer and the principal divines of his day, episcopacy was not a distinct order from presbytery, by divine right, but only a *prudent ecclesiastical constitution* for the better government of the church."—(*Ib. Vol. XIX.* 1837, p. 365.) "Luther, and the leading divines of his denomination, supposed that a system" [of church government] "embracing some degree of *imparity*" [among ministers] "was in general, expedient; and accordingly, in proceeding to organize their churches, appointed *Superintendents*, who enjoyed a kind of pre-eminence," [*primi inter pares*] "and were vested with peculiar powers. But they explicitly acknowledge this office to be a *human* and not a *divine institution*." (*Miller's Letters*, p. 237, quoted as authority by the late *Bishop Emory*, *Defence of Our Fathers*, p. 14.) The same sentiments were held by Mr. Wesley and the British Conference, as I have quoted in a note on pages 58, 59. Dr. Bangs in his *Vindication of Methodist Episcopacy*, page 35, &c., maintains the same views, as does every Methodist writer with whom I have any acquaintance.

IV. *Ordination.*

"*Ordination*, the act of conferring holy orders, or of initiating a person into the ministry of the Gospel, by prayer, and with or without the laying on of hands."—(*Watson's Biblical Dictionary*, Art. *Ordination*, Edited by the late *Bishop Emory* and the Rev. Dr. Bangs.) Dr. Bangs, in his *Vindication of Methodist Episcopacy*, pp. 33—67, and the late Dr. Emory in his *Defence of Our Fathers*, pp. 18, 19, represent the entire form and ceremonies of church government, as well as the ceremony of imposition of hands, as a matter of choice, but not of Divine prescription, or essential to ordination. The ceremony of *laying on of hands*, as well as prayer, is used in the Wesleyan Methodist Church in Canada in "*initiating persons into the ministry of the Gospel*," but not in the appointment of a President or General Superintendent.—The Rev. Dr. Phœbus—a member of the American General Conference in 1784, and present at the organization of the Church—quotes in illustration and confirmation of his views the following sentence:

ments of Archbishop Cranmer, author of the Homilies of the Church of England:—

*"Cranmer, Archbishop of Canterbury.—In the New Testament, he that is appointed to be a *bishop* or *priest* needeth no consecration by the Scripture; for election or appointing thereto is sufficient."*—(*"Essay on the Doctrine and Order of the Evangelical Church in America, as constituted at Baltimore in 1784, under the patronage of John Wesley, A. M., Thomas Coke, LL. D."*, &c. p. 95.

"The mere act of ordination by the imposition of hands was sometimes omitted" [in the Apostolic age.] "The superstitious and punctilious particularity with which mere imposition of hands has been observed, argues a great want of the substantial integral parts of ordination among those who so warmly contend for this rite, and lay so much stress upon it."—(*American Methodist Magazine, for Jany. 1837, Vol. XIX.* p. 16.

"It is remarkable, that in this commission," [to the Apostles, Matt. xxviii. 18—20] "preaching the word and administering the sacraments are the most prominent and important duties of the Christian Ministry. The power of ordaining others is not mentioned; and we infer only that it is included because the Minister's office is to continue to the end of the world. We must therefore infer that all who have a right to preach and administer the sacraments, have a right to take a part in ordaining; because it is absurd to suppose that the former functions, containing the burden of the commission, should belong to a lower grade of clergy, while the latter, which is included by way of inference, is reserved for a higher order. Those who possess the most distinguished powers conveyed by the commission, must possess the whole."—*Ib.* p. 15.

"The ordination of the Methodist Episcopal Church is founded on the principle that the body of elders have the authority of ordaining vested in them, and consequently their ordination may properly enough be denominated presbyterial. With our Presbyterian brethren we have little or no controversy on this point, as we and they mutually acknowledge the validity of each other's Ministry, and the efficacy of each other's ordinances."—*Ib.* p. 1.

With regard to ordination in the English connection, a few remarks may be made, as some doubt has been expressed respecting its validity. Mr. Wesley made provision, in "*The Deed of Declaration*" for the perpetuation of the *doctrines* and *itinerant system* of Methodism in England; but in regard to the administration of the ordinances, and by consequence the pre-requisite ordination of the Preachers, he left his Preachers to do as he had done—to follow the openings of Providence, as indicated by the demands and interests of the work. Acting upon this principle, "Mr. Wesley, (says the Rev. William Myles) had hitherto ordained Ministers only for America and Scotland, but from this period, [1787, four years before his death] being assisted by other Presbyters of the Church of England, he set apart a certain number of Preachers for the

sacred office by the imposition of his hands and prayer, without sending them out of England; strongly advising them at the same time, that according to his example they should continue united with the Established Church, so far as the blessed work in which they were engaged would permit."—(Myles' "Chronological History of the People called Methodists," p. 133. See also Wesley's Life by Dr. Coke and Mr. Moore, p. 500.)

It is therefore obvious, 1. That there were ordained Ministers in the English Connexion at the time of Mr. Wesley's death. 2. That the Preachers in connexion with him were invested with equal power with himself, after his decease, to consult the interests of the work committed to their charge. 3. That his own example authorised the ordination of Ministers for England as well as for Scotland, when, in their judgment, it was absolutely necessary. Nor did the Conference depart from the principle laid down by Mr. Wesley, or exceed his example. After Mr. Wesley's death, "The uneasiness respecting the ordinances (says Mr. Myles) increased throughout the connexion. Mr. Wesley having been used to administer the Lord's Supper to the Societies in his annual visits, the loss of this privilege was an additional inducement to those who contended for a more liberal plan." (*Chronological History, &c.* p. 167.) Yet the Conference, at its first session after Mr. Wesley's death, refused to allow the administration of the Sacraments to any of the Societies in England except to those in London; and, with a view to prevent promiscuous and irregular ordinations, ordered that "No Ordination shall take place in the Methodist connexion without the consent of the Conference previously obtained." (Ib. p. 163, and Minutes for 1792, Vol. I. pp. 259, 260.) In 1793, it was found that a number of the Societies could be no longer retained in connexion with the Conference, unless they were allowed the Ordinances. The Conference therefore, yielded to the appeals and demands of about 100 Societies. But in order to prevent further uneasiness, and restore and preserve unity in the connexion, the administration of the ordinances was allowed and provided for generally in 1795. The Conference, however, desirous of infringing as little as possible upon the supposed prerogatives of the Established Church, resolved, in accordance with the above quoted sentiments of Archbishop Cranmer, to ordain the preachers by *election* and *appointment*, with prayer, without the imposition of hands.

That this mode of ordination is held to be valid by American Methodists, may be considered as sufficiently established by the foregoing quotations. But to put it beyond possible doubt, I will add, 1. The English Preachers, held to be ordained in England, are received as ordained Preachers by the American Methodist Connexion, as stated by the late Bishop Emory, *Defence of Our Fathers*, p. 78. 2. This view of ordination stated by Mr. Watson, in his *Life of Wesley*, is quoted with approbation in the *American Methodist Magazine*, Vol. XIII. 1831, pp. 405, 406. *Art.* "Watson's Life of Wesley." 3. The validity of ordination by the English Conference is expressly declared by the

Rev. Dr. Fisk—Representative of the Methodist Episcopal Church in America to the British Conference in 1836—as will be seen in a subsequent page. Nor am I aware of the least shadow of opposing testimony that can in any degree weaken the force of this body of evidence.

These authorities prove, I think, most clearly that the *form* of ordination is held by the Methodists to be non-essential, and that *one* ordination is considered sufficient to authorise a Minister to perform any and every duty and function of the ministerial office.

V. The title of Bishop—How introduced.

The Rev. Jesse Lee, gives the following account of this transaction:—“In the Discipline” [published by Dr. Coke and Mr. Asbury, in 1787] “there were thirty-one sections, and sixty-three questions, with answers to them all. The third question in the second section, and the answer, read thus:—

‘Q. Is there any other business to be done in Conference? A. The electing and ordaining of Bishops, Elders and Deacons.’

“This was the first time that our Superintendents ever gave themselves the title of Bishops in the Minutes. They changed the title themselves without the consent of the Conference; and at the next Conference they asked the Preachers if the word *Bishop* might stand in the Minutes; seeing that it was a Scripture name, and the meaning of the word *Bishop*, was the same with that of *Superintendent*. Some of the preachers opposed the alteration, and wished to retain the former title; but a majority of the preachers agreed to let the word *Bishop* remain.” “From that time the name of *Bishop* has been in common use among us, both in conversation and in writing.”—(*History of the Methodists in the United States*, pp. 128, 129.)

If the American General Conference could, in 1787, substitute the word *Bishop* for Mr. Wesley’s own word, *Superintendent*, surely the Canadian General Conference could, in 1833, substitute the word *President* for that of *Bishop*.

VI. Ordination and clerical office of Deacons.

As exceptions have been taken to the omission of the *ordination* and office of *deacon*, as an order in the *ministry*, the following quotations from the last January number of the *American Methodist Magazine and Quarterly Review*, (the official organ of the Methodist Episcopal Church in America) will show that the Conference has acted neither unscripturally nor unadvisedly, but in perfect accordance with the 22nd Article of Faith, as quoted by the SOLICITOR GENERAL, in page 26, in omitting the *ordination* of deacon as an office of the *clergy*, and retaining the name and duties of a *Preacher*. “The deacons made mention of in the New Testament were not a distinct order of *clergy*; nor did they, as *deacons*, belong to the *clergy* at all. That the deacons are not an order of *clergy* at all, is evident from the original institution of their office,

as well as the Scripture statements of their qualifications." [Acts vi. 1—6.] "Stewards and Class-leaders in the Methodist Episcopal Church, Deacons in the Baptist, Elders in the Presbyterian Church, and Church Wardens in the Protestant Episcopal Church, perform substantially the duties, and occupy the station which deacons filled in the Apostolical church. The office of deacons in the Roman Catholic, the Church of England, and the Protestant Episcopal Churches, has very little in common with the college of deacons appointed by the Apostles. The same, to some degree, may be said of the *deacons in the Methodist Episcopal Church*. Nevertheless no *special injury* can arise merely from modern deacons being confined to the ministry of the word, when the ministry of tables is not neglected. When the original *office* is filled, though under a different name, all is well enough. The only difficulty is, the claiming for modern deacons *to be a distinct order of clergy*, and by this means creating technical or artificial distinctions in the ministry, and thus forming a *theory* which, to say the least, contributes very little toward the promotion of true religion."—(Vol. XIX. 1837, pp. 5—8.)

VII. Organization of the Methodist Episcopal Church in America.

Having disposed of several preliminary and miscellaneous questions, I now proceed to consider the organization of the Methodist Episcopal Church in America, and afterwards, those questions involved in the present discussion which arise out of that organization.

In order to understand the subject of the organization of the American Methodist Church, let it be *simply* and *carefully*—but of necessity briefly—considered. 1. After the independence of the American States was acknowledged, the American Societies were *destitute of the ordinances* of Baptism and the Lord's Supper. 2. They wrote to Mr. Wesley on the subject of the ordinances;—not upon the subject of a church organization—a subject probably on which, at that time, they had never entertained a thought. That no application had been made, or expectation entertained relative to the organization of a church, is obvious from the accounts given of it, and the manner of its announcement to the Societies. (See Lee's History, pp. 95, 107, and Emory's Defence of Our Fathers, pp. 71, 72.) 3. In reply to the applications from America, Mr. Wesley did three things. (1) He appointed a General Superintendent over the American Societies. This was nothing new; for there had been "one from the beginning who superintended the whole work," says the Rev. William Watters, (the first American employed in the itinerant work) as quoted by the *SORCITOR GENERAL*, p. 13. (2) Mr. Wesley, in the second place, authorised the present Superintendent to ordain other Ministers in order to provide the Societies in America with the administration of the ordinances. This was new; but it was what the American Societies had applied for. (3) In the third place, Mr. Wesley conceived the plan of forming the American Societies into a church. This, however, he did not *appoint*, nor did he *require* them to take such a step. All that he required was, that they

should preach the doctrines, keep up the itinerant system, and observe the general rules of Methodism, leaving them in other respects, as he states to them on the occasion, "at full liberty simply to follow, the Scriptures and the Primitive Church." (The whole letter is quoted by the SOLICITOR GENERAL, pp. 20, 21.) There is not one word in that letter about any plan of church government, or even the formation of a church. Mr. Wesley printed an abridgment of the *Common Prayer Book* of the Church of England, with forms of ordination, which now lies before me, and in the *preface* of which, dated Bristol, September 9, 1784, he says,—"I recommend to our Societies in America." In this Prayer-Book no plan of church government is laid down, but simply a form of Public Service, Articles of faith, and forms of ordination, in order to provide for the administration of the ordinances; all of which, however, he did no more than "*recommend*" to the Societies in America. That the American Connexion viewed the Prayer-Book, with all its forms, as not *imposed* upon, but as simply *recommended* to them, and therefore at their option to use, to alter, or to lay it aside, is obvious from the fact that the Conference altered the Baptismal service, and in 1789, laid aside the Liturgy altogether, (Lee's History, p. 107.) thereby furnishing practical proof that it could have laid aside the printed forms of prayer in the ordination services, and agreed to use extemporaneous prayer on such occasions as well as in the regular Sabbath Services, had it thought it advisable to do so.

Such then were the circumstances under which the American General Conference of 1784, commonly called the "*Christmas Conference*,"—assembled.* In the minutes of this Conference, forming the constitution and discipline of the Church, there are eighty-one questions with answers. The first relates to the manner in which the preachers ought to improve their time during the sittings of Conference. The second and third questions and answers relate to the organization of the Church, and are as follows :

"Q. 2. What can be done in order to the future Union of the Methodists?

"A. During the life of the Rev. Mr. Wesley, we acknowledge ourselves his Sons in the Gospel, ready in Matters belonging to Church-Government, to obey his Commands. And we do engage after his Death, to do every Thing that we judge consistent with the Cause of Religion in *America* and the political Interests of these States, to preserve and promote our Union with the Methodists in *Europe*.

"Q. 3. As the Ecclesiastical as well as Civil Affairs of these United States have passed through a very considerable Change by the Revolution, what Plan of Church-Government shall we hereafter pursue?

"A. We will form ourselves into an Episcopal Church under the Direction of Superintendents, Elders, Deacons and Helpers, according to the Forms of Ordination annexed to our Liturgy, and the Form of Discipline set forth in these minutes."

* The manner in which it was assembled is stated by Dr. Bangs, as quoted by the *Sol. Genl.* on page 91.

On these proceedings let two things of vital importance in the present discussion, be remarked. 1. That there was no *separation* from Mr. Wesley, but a preliminary resolution and engagement to "preserve and promote their Union with the Methodists in Europe," both before and after Mr. Wesley's death. 2. That the question "what plan of Church Government shall we hereafter pursue;" shows that, according to Mr. Wesley's Letter to them, they felt themselves "at full liberty" to pursue any plan they pleased which was not inconsistent with "the Scriptures and the Primitive Church." Mr. Wesley's known partiality to the Episcopal form of Government, with the forms of Ordination recommended by him, would doubtless have its influence with the American Preachers, yet it is equally clear that they were left to the exercise of their own judgment in the matter.

In respect to the adoption of the *name* of the Church, the following statement by the Rev. Thomas Ware—an active party in the proceeding—proves beyond a reasonable doubt, that the Conference exercised the same discretionary power in selecting the name of the Church, as it did in adopting the plan of its government:

"After Mr. Wesley's letter, appointing Dr. Coke and Mr. Asbury joint superintendents over the Methodists in America, had been read, analyzed and cordially approved by the conference, a question arose what name we should take. I thought to myself, I was content that we should call ourselves the Methodist Church, and so whispered to a brother that sat near me. But one proposed, I think it was John Dickins, that we should call ourselves the Methodist Episcopal Church. Mr. Dickins was, in the estimation of his brethren, a man of sterling sense and sterling piety; and there were few men on the conference floor heard with greater deference than he. The most of the preachers had been brought up in what was called the Church of England; and all being agreed that the plan of general superintendency was a *species* of Episcopacy, the motion was carried, without, I think, a dissenting voice. There was not, to the best of my recollection, the least agitation on this question. Had the conference indulged the least suspicion that the name they were about to take, would in the least degree cross the views or feelings of Mr. Wesley, it would have been abandoned; for the name of Wesley was inexpressibly dear to the Christmas Conference, and to none more so than to Asbury and Coke."—(*American Methodist Magazine*, 1832, Vol. XIV. p. 98.)

VIII. *The Standards of Methodist Doctrines the same in Europe and America.*

In the first restriction upon the powers of the General Conference, mention is made in the American and Canadian disciplines of "established standards of doctrine;" but we must have recourse to the early registers of the church to ascertain officially and specifically what those "established standards of doctrine" are. By consulting the Minutes of the American Conferences for 1773, 1781, and 1783, we find Mr.

Wesley's four volumes of Sermons, his Notes on the New Testament, and the large Minutes of the English Conference, are recognised and avowed as the "established standards of doctrine and discipline," (*Lee's History*, pp. 46, 75, 85.) The same standards of doctrine are recognised in the Articles of Union between the British and Canadian Conferences; therefore the standards of doctrine among the Methodists are the same *verbatim et literatim* throughout the world. "In doctrine, and moral discipline, and ultimate object," (say the Editors of the *American Methodist Magazine*) "Wesleyan Methodism is one, throughout the world."—"Previously to Mr. Wesley's death," (says the same Periodical) "he performed two great official acts which constitute the ground work of the present maturity and stability of European Wesleyan Methodism." The first of these was a digest of the most important rules in the economy of primitive Methodism." "This digest commences with the year 1744, when the first Conference was held, and is continued down to 1789, when the last revision of it took place, about two years before Mr. Wesley's death. It is this work which, in the British connection, is denominated 'THE LARGE MINUTES' and constitutes the official settled summary of their fundamental plan of discipline." Those who shall examine it, and compare it with our present discipline, and especially with the Minutes published soon after the General Conference of 1794, will find that this same primitive Wesleyan standard, which constitutes the basis of European Methodist discipline, has, from the foundation of our church, allowing for the peculiarities of its organization and for local circumstances, been that of the American Methodists also. And as it continues to be the acknowledged and established test of genuine Wesleyan discipline in the venerable stock from which we derived our origin, so may the primitive code drawn from it, and incorporated into our own system, continue to be the land-mark by which we may be guided in any measures which may remain to be adopted, or to be consummated, for the unity and the perpetuity of Methodism in America."—(Vol. XIV. 1832, pp. 228, 229.)

IX. Powers of the General Conference.

The General Conference adopted the articles of faith and the whole government and discipline of the Church, and, therefore, as the only legislative body in the Church, had the power to alter or do away with any and every part of the Discipline, except in as far as it restricted its own powers of legislation. Such were the views of the framers of the Discipline, and such are the views of the American Methodists at the present day. In an unpublished letter from Dr. Coke to the Rev. Thomas Morrell, dated May 13th, 1791, (the original of which lies before me,) the Doctor assigns the following as the seventh reason for the establishment of quadrennial General Conferences:—"They will be an encouragement to the judicious, to mature every part of our economy, and to propose such improvements as the imperfections of all human institutions, and the increase of our great work may require."

The Bishops, in their Address to the American Societies in 1792, observe—"We think ourselves obliged frequently to view, and review, the *whole order* of our Church, always aiming at perfection." (*Lee's History*, p. 181.) "It was eight years [says Mr. Lee] from the Christmas Conference, where we became a regular Church, to this General Conference. [1792.] At which time our form of Discipline had been changed* and altered in so many particulars, that we thought at this Conference to take under consideration the greater part of the form of Discipline, and either abolish, establish, or change the rules, so that we might all approve of, or be reconciled to, whatever might be found in the Discipline."—*History*, pp. 192, 193.

Here there is not the slightest intimation, but there appears to be the fullest consciousness, that the General Conference had power to "alter or abolish" any part of the "form of discipline" it pleased. But on this point we have more ample and conclusive evidence, in addition to that adduced by the SOL. GENERAL in pages 23, 25, 26, 27. The Editors of the American Methodist Magazine, in reply to objections which had been urged, that the General Conference had "buckled the restrictive belt too tightly" in requiring the recommendation of all the Annual Conferences in order to make certain alterations desired, emphatically ask,—"Ought a delegated General Conference, at least *without* the consent of all the Annual Conferences, to have been *left* in possession of power not only to *destroy* the plan of the itinerant general superintendency, *so as to do away with Episcopacy*, and *dissolve* our very *Episcopal organization*, but also to revoke or change the general rules of our Societies, to do away the privileges of our ministers, preachers, and members, in regard to trials and appeals; and to alter, or even revoke, our *articles of religion*, and to establish new standards of doctrine, not only different from, but even contrary to our present standards?" (*Vol. XIII, 1831, p. 231.*) In a subsequent volume of the Magazine, the Editors, in answer to the same complaint, observe in nearly the same words,—"Ought a delegated General Conference to have been left in possession of power, *without* the consent, to say the least, of all the Annual Conferences, to dissolve our very organization, to revoke or change the general rules of our societies, to do away the privileges of

* An objection has been made to the proceedings of the Canadian Conference held in 1832, and 1833, because the *records* or *minutes*, which contained the alterations in the Discipline agreed to by the Preachers, were not published; the following *published* facts, relative to the proceedings of the American General Conference of 1792, and 1804, contain a sufficient answer to an objection of that kind: "At that General Conference (1792) we revised (says Mr. Lee) the form of discipline, and made several alterations. The proceedings of that Conference were not published in separate Minutes, but the alterations were entered at their proper places, and published in the next edition of the form of discipline, which was the eighth edition." (*History*, p. 180.) "We had no Minutes of our General Conference published in a pamphlet this year (1804), although it had been done at the preceding General Conferences; [1796, and 1800] "but the alterations and additions which were made to our rules, were put into the chapters, sections, and paragraphs, where they belonged in the Form of Discipline."—*Lee's History*, p. 208.

our ministers and members in regard to trials and appeals, and to alter or even revoke our articles of religion, and to establish new standards of doctrine different from and contrary to our existing standards? Most assuredly, we think, not." "Indeed, for ourselves we candidly confess, if any change in regard to these must be made, we would prefer, rather than to loosen them, to see them *made* immovable like the great principles established in Mr. Wesley's Deed of Declaration, the beneficial operation of which has been practically proved for now nearly half a century." (Vol. XIV. 1832, p. 233.)

Let it also be remarked, that the Editors who expressed these views of the amazing powers of the General Conference, in connexion with the consent of all the Annual Conferences, in successive volumes of the official organ of the American Methodist Church, were Messrs. Emory and Waugh, the former of whom was educated for the Bar, and both of whom have since been elected *Bishops* by the General Conference. And that the General Conference entertained the same views of its powers with Bishops Emory and Waugh, is unquestionable from the circumstance of its having at the very next session after the articles from which the above extracts have been made appeared in its official Periodical, imposed an additional restriction upon its legislative powers, by which the *articles of faith and standards of doctrine* cannot now be revoked or changed by the General or Annual Conferences, or by both together. (See American Magazine, Vol. XIII. p. 295; also compare the "*Proviso*" added to the "*Restrictions*" upon the powers of the General Conference as printed in the edition of the American Discipline of 1825, pp. 21, 22, and that of 1836, p. 22—both of which now lie before me.)

It may seem superfluous for me to add another word upon this question of General Conference power, but as it has been so egregiously and painfully mistaken, I desire, as far as possible, to set it finally at rest. However, before I adduce the testimonies with which the present section will be concluded, I beg to make a few remarks upon the control which the early General Conferences did actually exercise over the *Episcopal office*, and the *life continuance* of the same individual in that office. In regard to the latter, I have quoted the sentiments of Mr. Wesley, (p. 59) recorded in the minutes of his own Conference, that "as God variously dispenses his gifts of nature, providence, and grace, both the *offices* themselves, and the *officers* in each, *ought* to be varied from *time to time*." That the early General Conferences did not regard the appointment to the Episcopal office, as necessarily for life, or inviolable, is, I think, evident from the following facts: 1. In 1787, "Mr. Wesley directed (says Mr. Lee) that Richard Whatcoat should be ordained a joint Superintendent with Mr. Asbury. When this business was brought before the Conference, most of the Preachers objected, and would not consent to it. The reasons against it were, 1. That he was not qualified to take charge of the connexion. 2. That they were apprehensive that if Mr. Whatcoat was ordained, *Mr. Wesley would likely recall Mr. Asbury, and he would return to England.*" (History,

p. 126.) 2. Mr. Lee states that at the Conference of 1800, Mr. Asbury proposed to "resign his office as Superintendent of the Methodist connexion, and take his seat in the Conference on a level with the Elders," but was induced to withdraw his resignation by the formal and earnest entreaties of the Conference. (Lee's History, p. 265.) 3. In 1808, the General Conference adopted the following resolution:—"Dr. Coke, at the request of the British Conference and by the consent of our General Conference, resides in Europe: he is not to exercise the office of Superintendent among us, in the United States, until he be recalled by the General Conference, or by the Annual Conferences respectively." (Lee's History, p. 351.)

In addition to the authorities adduced by the pages 23, 27, in proof of the power of the General Conference over the Episcopal office itself, it may be remarked that specific powers and duties of the Episcopal office were conferred and defined by the General Conference in 1784, as may be seen by its printed Minutes, p. 11, and therefore could be altered, revoked, or abolished at its pleasure. The Conference did not even determine how a "Bishop should be constituted in future," until 1792—eight years after the formation of the church. (Lee's History, p. 182) By referring to Lee's History, pages, 178, 179, 234, 266, 298, 351, practical proof will be found that the General Conferences of 1792, 1796, 1800, 1804, and 1808, consulted upon, and modified the powers and duties of the Episcopacy, as it judged expedient, without the shadow of an apprehension, that there was any thing connected with the Episcopal office beyond its control.

*Testimonies of the leading Methodist Ministers in the United States
and of the only surviving Framers of the Constitution of the Methodist Episcopal Church in America.*

The testimony of Methodist Episcopal Ministers in the United States—who are attached to, and resolved to maintain, their present form of Church government—cannot be suspected, and is of importance in the present discussion. In a note on pages 54 and 55, I have inserted letters from the Rev. Dr. LUCKEY and the Ven'ble BISHOP HEDDING on the powers of the General Conference over the *Episcopal Office*. When lately in New York, I showed Bishop Hedding's Letter to the Rev. J. B. STRATTON, who was elected Bishop of the Methodist Church in Canada by the Canadian Conference in 1831, but who declined the appointment; also to the Revds. THOMAS MASON and GEORGE LANE, who have been elected by the General Conference to publish the Books and Periodicals for the Methodist Episcopal Church.



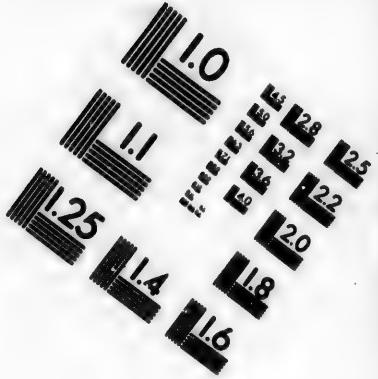
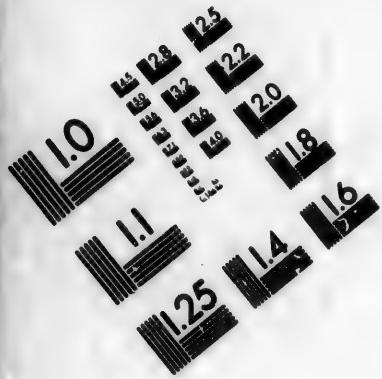
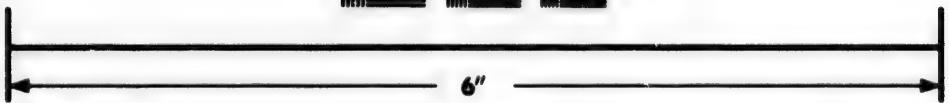
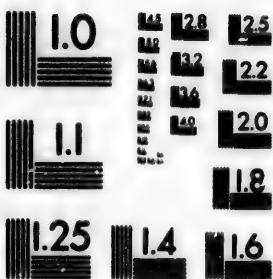


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in the United States. After examining the Discipline, and mature reflection, those gentlemen expressed their concurrence in the views of Bishop Hedding at the bottom of his letter, as follows:—

“ I hereby certify that I fully concur with Bishop Hedding in the above opinion.

(Signed) “ J. B. STRATTON.

“ New-York, Nov. 16, 1837.”

“ We concur in the opinion of Bishop Hedding, expressed above.

(Signed) “ THOMAS MASON,
“ GEORGE LANE,

“ Agents of the General Conference for the Publication
“ of Books for the M. E. Church.”

I also addressed a letter on this subject to the Rev. DR. FISK, President of the Wesleyan University, and late Representative of the Methodist Episcopal Church in the United States, to the British Connexion. The following are copies of my queries and the answers:—

“ 200 Mulberry-Street,

“ New-York, Nov. 17th, 1837.

“ REV. AND DEAR SIR,—A question of law is at issue in Upper Canada which involves the Chapel Property held by the Wesleyan Methodist Church in that Province. The principal points in the case ‘on which there are any doubts’ relate to the views of the Methodist Episcopal Church respecting *Episcopacy*—the *imposition of hands* in the consecration of bishops—and the powers of the General Conference to modify the Episcopal office. I have been favoured by bishop Hedding, Dr. Luckey and others with an explicit statement of their views on these points, and will feel greatly obliged to you to be favoured with your views, and what you believe to be the views of the Methodist Episcopal Church, in reply to the following queries:

“ 1st. Is Episcopacy held by you to be a doctrine or matter of faith, or a form or rule of church government as expedient or not according to times, places and circumstances?

“ 2. Has the General Conference power, under any circumstances whatever, by and with the advice of all the annual Conferences, to render the Episcopal office periodically elective, and to dispense with the ceremony of ordination in the appointment thereto?

“ And as you were present at the British Conference in 1836, as the Representative of the Methodist Episcopal Church in America, I would beg to propose a third query.

“ 3. Do you consider the ordinations performed under the direction of the British Conference to be Scriptural and Methodistical?

“ Earnestly soliciting your earliest answers to the foregoing queries,

“ I am Yours, very respectfully,

“ EGERTON RYERSON.

“ The Rev. WILBUR FISK, D. D.,
President of the Wesleyan University.

"P. S.—I had intended to visit Middletown University; but as I am unexpectedly required to go to Philadelphia, and cannot get home by Saturday the 25th inst., without proceeding directly from this to Albany, &c., I must deny myself that pleasure. Please address me, Kingston, Upper Canada. E. R."

DR. FISK'S REPLY.

"Rev. EGERTON RYERSON,

"MY DEAR SIR,—Your favour of late date is before me; making some inquiries respecting the constitution of the Methodist Episcopal Church.

"The first was in reference to the Episcopal form of government.

"I, as an individual, believe, and this is also the general opinion of our Church, that Episcopacy is not "a doctrine or matter of faith"—it is not *essential* to the existence of a Gospel church, but is founded on expediency, and may be desirable and proper in some circumstances of the Church, and not in others.

"You next enquire as to the power of the General Conference to modify or change our Episcopacy.

"On this subject our Discipline is explicit, that "upon the concurrent recommendation of three-fourths of all the members of the several Annual Conferences who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice" to "change or alter any part or rule of our government, so as to do away Episcopacy and destroy the plan of our itinerant General Superintendency." Of course with the above described majority the General Conference might make the Episcopal office elective, and, if they chose, dispense with ordination for the Bishop or Superintendent.

"I was a delegate from the Methodist Episcopal Church to the Wesleyan Conference in England, in 1836. At that Conference I was present at the ordination of those admitted to orders, and by request participated in the ceremony. I considered the ordination, as then and there performed, valid; and the Ministers thus consecrated, as duly authorized Ministers of Christ.

"With kind regards to yourself, personally, and the best wishes for the prosperity of your Church, I am, as ever, yours,

"In Friendship and Gospel Bonds,

"W. Fisk.

"Wesleyan University, Middletown, Ct., Nov. 20, 1837."

I likewise waited upon, and proposed queries to the only ministers now living who were in the ministry in 1784—the Revds. *Ezekiel Cooper, Thomas Morrell, Thomas Ware, and Nelson Reed*—four of the finest specimens of matured piety and undecayed mental vigour in old age that I ever beheld. It was to Mr. Cooper that Mr. Wesley addressed the memorable letter, quoted by the *Sol. General* in page 19. Of Mr. Cooper, the late *Bishop Emory* says—"No man among us probably, has ever more studiously and thoroughly acquainted himself with

every thing relating to Methodism, and its origin and history, and especially to the *origin and history of Methodist Episcopacy*, than Mr. Cooper. It will probably be admitted too, that few, if any, among us are more capable of investigating such subjects; or have had a more ample opportunity of searching into them critically and closely." (*Defence of our Fathers*, p. 51.) The very high standing of MR. MORRELL may be inferred from the *Defence of our Fathers*, pp. 82, 83, 84. In the American Methodist Magazine, Vol. XIII. 1831, p. 101, also Vol. XIV. 1832, p. 100, the Editors speak of MR. WARE as "one of the oldest American itinerant Ministers now living"—"who was himself a member of the General Conference of 1784, at the time of the organization of the Church, and personally acquainted with the facts," and quote his opinions as of great weight and importance. MR. REED was ordained Elder at the Conference of 1784, seems to have been a principal member of the most important standing committees appointed by the early Conferences, and was a member of the committee appointed by the General Conference in 1808, to frame the constitution of the delegated General Conference, as he stated to me personally. (See Lee's History, pages 94, 151, 157.)

The following are copies of the notes I addressed separately to Mr. COOPER and MR. MORRELL. The copy addressed to Mr. Morrell was dated "Elizabethtown, N. J., Nov'r 17," and that to Mr. Cooper, "Philadelphia, Nov. 20, 1837."

"REV. AND DEAR SIR,—As you are one of the two or three Ministers who commenced their labours, as itinerant Methodist Preachers, before the organization of the Methodist Episcopal Church in America, I beg permission (in consequence of a case which is at issue in the Courts of Law in Upper Canada, affecting the right of property held by the Wesleyan Methodist Church in that Province,) to propose a few questions relative to the organization of your Church, and the powers in your General Conference.

"1. In organizing your Church, had your General Conference power to adopt any other name for your Church than that which it adopted?

"2. Had your General Conference power to adopt what form of church government it pleased?

"3. Had your General Conference power, after the adoption of Episcopacy, to dispense with the ceremony of ordination in the appointment to the Episcopal office?

"4. Has it always been your understanding that the General Conference had the power to make the Episcopal office periodically elective, or to abolish it altogether, if it judged it expedient to do so?

"I will feel greatly obliged to be favoured with your views in reply to the foregoing questions, and what has been the understanding of your connexion from the beginning respecting the points of ecclesiastical government involved in them.

"Yours, very respectfully,

"EGERTON RYERSON."

REV. EZEKIEL COOPER'S REPLY.

"Philadelphia, Nov. 20, 1837.

" REV. AND DEAR SIR,—Yours of this day I have looked over, containing sundry questions, to which you request an answer. Time, indisposition, and other circumstances, preclude me from so full an answer as you wish to receive, and as I would be willing, under other circumstances, to give most cheerfully. I briefly answer them, viz.:—

" I. When our Church was organized, the General Conference had power, and a right, to adopt any other name than that which they did adopt, for the style and title, or name of the Church, had the Conference seen proper so to do. The Conference was under no necessity, but, from mature deliberation, it was voluntarily resolved, to choose the name of the "*Methodist Episcopal Church*." Had they been disposed, they could have taken the name of the *Evangelical Church*, which some of the Preachers would have approved of; or they might have called themselves the *Wesleyan Church*, *The Reformed Church*, or any other name, had they chosen it in preference.

" II. The Conference had power to adopt any form of Church government it pleased or might have chosen; but it was the voluntary choice to adopt the *Episcopal Form of Government*—modified as we have it, subject to amendments or improvements, from time to time, as exigencies might require, and circumstances call for, in the judgment of the Conference. The Episcopacy was always amenable to the General Conference, which had power to suspend or even expel the bishop, or bishops, for cause sufficient in the judgment of the Conference;—which may be seen by collating the various editions of the Discipline, from the first to the last.

" III. After the adoption of Episcopacy, the General Conference had power to *change*, or *dispense* with the ceremony of Episcopal ordination in the appointment to the Episcopal office, if it had appeared proper and necessary so to do. Stillingfleet, in his *Irenicum*, and other episcopal dignitaries of the Church of England, have admitted that the power of ordination is inherent in the Elders of the Church, or Presbytery; but, by certain canons, made by the ecclesiastical councils, the power was restrained, for the better order and regulation in government. And our Church holds the same opinion: therefore, if, by expulsion, death, or otherwise, we should be without a Bishop, the General Conference is to elect one, and appoint three or more Elders to ordain him to the Episcopal office; so that the power of ordination is in the Elders, under restraint,—but the Conference, by appointment, can take off that restraint when necessary; then, the Elders have the power of ordination, and are authorized to ordain even a Bishop. Surely, then, by an appointment to the Episcopal office, if an Elder, with the restraint taken off, he can exercise the power of ordination without the ceremony of reordaining him, and, perhaps, as in the case above stated, by Elders only, with the restraint taken off. If the restraint be taken off, and the ceremony is dispensed with in one case, surely it can be in the other,

and the ordination in the one case would be fully as valid as in the other ; therefore, the ceremony may be dispensed with, and the Conference has *power* to do it—in the case of Elders ordaining Bishops.

"IV. In my opinion, the General Conference had, and has, the *power* to make the Episcopal office periodically elective, and, if necessary for the good of the Church, to abolish it,—provided the requirements of the Discipline for making alterations be complied with ; or, if the restrictions be removed, which there is *power* to do, and though difficult, yet not impossible to accomplish ; then any and every alteration may be made, which exigencies or circumstances may call for, and wisdom may direct. *Note*,—If Elders can be occasionally elected or appointed to exercise Episcopal functions in ordaining a Bishop, and then cease and never exercise them any more, then why not occasionally or periodically elect or appoint to the Episcopal office for a term of time, and then to cease, or even be abolished, and ordinations be performed by the Elders appointed thereto, as in the case of ordaining Bishops. I am now considering the *powers* of the General Conference, in cases of necessity, under existing circumstances of exigency that might possibly occur, to make the thing necessary for the good of the Church. It is not necessary, nor good, nor proper, always to do what is in our power to do ; but it is *good* to have *power* to do that which may possibly, or probably, become necessary, proper, and good to do.

"I hold that *government* is of *Divine right* ; but I do not hold that any particular or special mode, form, or organization, is of Divine right. Government originates with, and emanates from God, and is of Divine authority and sanction ; but the mode, form, organization, &c. is *human*, as to the construction and management, order and regulation, and may, by human authority, be varied to suit different countries, times, circumstances, necessities, &c. ; and also may, by human authority, be changed, improved, and altered for the general good, according to the various occasions and necessities.

"As to the *Divine right* of an *uninterrupted Episcopal Prelacy* from the Apostles down to the present time, it cannot be proved nor supported. In the Apostolic times, the terms Bishop, Elder, Overseer, and Presbyter, were interchangably applied to the same men and office. (See Acts xx, 17 and 28.) The same men called Elders in one, are called Overseers in the other verse. St. Jerome informs us that in the Apostolic Church at Alexandria, the Elders or Presbyters, from the Apostles' time, used to choose and ordain, or set apart, their own Bishop or Patriarch. In the Annals of the Church at Alexandria, written by one of their Patriarchs, the same is stated and confirmed. We have numerous authorities :—See Lord King on the subject—"Presbyters and Bishops the same." The immortal Hooker admits the validity of the ordination of the Reformed Church, on the Continent, by Presbyters, under the necessity of the case. Archbishop Cranmer went further, in his answer to King Edward's questions, and said, that the necessity of the case would make ordination, instituted by a King and laity, in a supposed case, both valid and a duty, and that such things had been done. (See

Stillingfleet's Irenicum.) Archbishop Usher advised King Charles I., in the dispute with Parliament, to admit the Church of England to become a Presbyterial Episcopacy; the King consented, but was too late.

"I have extended farther than I intended—must now close. I could write a volume, had I time and strength.

"Yours respectfully, &c.

"EZ'K. COOPER.

"N. B. I commenced my itinerancy in the Methodist E. Church A. D. 1784, though not printed in the Minutes till 1785. I was twenty-one years old when I began to travel; and now am seventy-four years of age, and in the fifty-fourth of my ministry. E. C."

Replies of the Rev. THOMAS MORRELL, Rev. THOMAS WARE, and Rev. NELSON REED.

"State of New Jersey, Elizabethtown, Nov. 18th, 1837.

"Rev. EGERTON RYERSON,

"SIR,—Your favour of yesterday was received, wherein you request me to answer some questions relative to the organization of the Methodist Episcopal Church, and the powers of the General Conference,—I give the answers with pleasure,—

"First, you enquire, "Had your General Conference the power to adopt any other name for your Church than that which it adopted?" I answer, certainly it had; we called it by its present name, as Mr. Wesley recommended it, and as we conceived it an appropriate term, according with having a Superintendent, who was raised to that office by a vote of the General Conference, and could have designated it by any other name if we could have found one more appropriate.

"Second Question,—"Had your General Conference power to adopt what form of church government it pleased?" Most assuredly it had; for though Mr. Wesley recommended us to use a form of prayer, in our Public Services, and gave us a ceremony for our Baptismal Services, yet the General Conference laid aside the Prayer-Book, and it is not used in one of our churches in the United States, and altered also the form for Baptism, in a way we thought more suitable for such Service.

"Third Question,—"Had your General Conference the power, after the adoption of Episcopacy, to dispense with the ceremony of ordination in the appointment to the Episcopal office?" I am confident they had; and had they thought it necessary would have done it.

"Fourth Question,—"Has it always been your understanding that the General Conference had the power to make the Episcopal office periodically elective, or to abolish it altogether, if they judged it expedient to do so?" Before the year 1808, the General Conference had the power to make any alterations in the Discipline or government of our church they thought expedient; but since the year 1808, they are restricted from

making any alterations in our present system without the recommendation of three-fourths of the Annual Conference.

“Yours, &c., very respectfully,
“THOMAS MORRELL,

“Written with my own hand, and within four days of being Ninety years of Age.”

“I fully agree with the above statement by the Rev. T. Morrell in all things save that of his supposing the name of the church being recommended by Mr. Wesley. The name, Methodist Episcopal Church, was recommended, to the best of my recollection, by John Dickens, as I have stated in the Methodist Quarterly Review, published by our Book-Agent, for Jan. 1832, page 98.* I also agree fully with Bishop Hedding, in his letter dated Lansingburgh, N. Y., Oct. 12, 1837, and addressed to Rev. E. Ryerson.

THOMAS WARE.

“I am in the Seventy-ninth year of my Age, and Fifty-sixth of my Ministry.

“Salem, N. Jersey, 20th Nov., 1837.”

“P. S.—Mr. Morrell not being at the Conference at which the church was organised, accounts for his mistake about Mr. Wesley’s recommending the name of the church.”

“I commenced travelling as a Methodist Itinerant Preacher in the year 1777, and have had knowledge of the general usage and mode of proceeding in said community to this day, and fully concur in the ideas of Messrs. Morrell and Ware in their above statements, with the exception brother Ware makes to an item in brother Morrell’s statement, and concur with Bishop Hedding’s letter to Brother Ryerson, dated Lansingburgh, Oct. 12, 1837.

NELSON REED.

“Aged Eighty-four Years.

“Baltimore, Nov. 22, 1837.”

To conclude—we have then the letter of the discipline of the Church—the facts of its early history—the repeated declarations of its official periodicals—the unanimous testimony of its surviving founders and most competent ministers—that the entire organization of the Methodist Episcopal Church in the United States, and consequently in Canada, is at the disposal of the Annual and General Conferences.

X. *On Preachers being Members of, and filling official situations in, the British and American Connexions at the same time.*

A doubt has been expressed as to the competency, according to the Discipline, of a member of the British Conference to preside over the Canadian, or American Methodist Church. Should not the foregoing considerations be sufficient to remove such a doubt, probably *facts* will. From 1784 to 1808, DR. COKE was acknowledged, and his name appeared in the discipline and the minutes as a Bishop or General Superin-

* This statement referred to by Mr. Ware is quoted in page 75.

tendent of the Methodist Episcopal Church in America, and besides attending in his official capacity the annual Conferences, we find him presiding in the American General Conference in 1784, '5, '6, '7, '8, '9, 1792, 1796, 1800, and 1804; yet was he *Secretary* of the British Conference in 1791, '92, '93, '94, '95, '96, '99, 1801, 1802, 1803, 1804, 1806, and 1807; and, in 1797 and 1805, he was *President* of the British Conference; and, in 1794, '95, '96, '99, 1802, 1803, 1804, 1805, and 1806, he was *President* of the *Irish Conference*. In 1801 and 1802 Dr. Coke's name also appears in the Minutes of the British Conference as "*Superintendent of Foreign Missions*"; and, in 1805, his name appears on the British Minutes not only as President of the Conference, but as follows:—"The Rev. DR. COKE is *General Superintendent of the Irish, Welch, West-India, Nova-Scotia, and Newfoundland Missions*." Yet during the whole of this period Dr. Coke was an acknowledged, and, part of the time, active Superintendent of the Methodist Episcopal Church in America.

It has been heretofore shown that the organization of the American Methodist Church was no separation from the British Connexion. These facts show the *Methodistic* constitutionality and propriety of the same individual being a member of and filling the highest official situations in both Connexions at the same time. I will now give a few extracts* from the mutual Addresses of the British and American Conferences, which place the double relation, as well as character, of DR. COKE in a very striking and interesting light, and forcibly and affectingly illustrate the views of both Connexions, for a period of more than thirty years, on the essential oneness, and church-identity of Methodism throughout the world.

From the British to the American General Conference, 1796.

"With real pleasure we embrace the present opportunity, by means of our highly respected brother, the Rev. Dr. Coke, of greeting you in the name of our common Lord, and of convincing you, that we still remember you in love, and have your peace and prosperity greatly at heart."

"We see an absolute necessity of strictly adhering to our first principles, by firmly maintaining our original doctrines, and that plan of discipline which we have so long proved to be the very sinews of our body. Herein, we doubt not, you are like-minded with us. We consider you as a *branch* from the *same root* from which we sprung, and of which we can never think but with inexpressible gratitude.

"You will rejoice to hear of our unanimity and increase. The more so, as on the death of our venerable father, Mr. Wesley, the contrary was feared by our friends, and wished for by our enemies. Glory be to God,

* These extracts are all taken from the printed Minutes of the *British Conference*, as it is its usage to publish in its own Minutes all addresses *from*, as well as *to*, other bodies. The American General Conference has not formally printed its Minutes since 1784, except in 1796 and 1800; and its written records, up to 1828, were burned in the general conflagration of the Book and Printing Establishment of the Methodist Episcopal Church in February 1836.

we never were more united to each other, nor were our labours, in general, more owned by the Head of the Church."

" May we still remember, that, whatever differences may mark *other* denominations, *we are eminently one body*, actuated by one spirit, having one faith, one Lord, one baptism."—*British Minutes, Vol. I. pp. 356, 357.*

From the British to the American Conference, August, 1797.

" As we are informed by Dr. Coke, that your General Conference is to be held on the 10th of next May, we embrace the present opportunity, while assembled in Conference, to express to you the unabated esteem and affection we bear towards you."

" There is one particular, which we wish especially to lay before you. We are perfectly acquainted with the solemn engagements which Dr. Coke entered into with you, at your last General Conference. And yet we are satisfied, that the work of God, and the good of the Church, considered at large, call for his continuance in Europe. The West India Missions have flourished under his superintendence, beyond our most sanguine expectations. Above eleven thousand have been added to the Church of God, among the poor Negroes, in that part of the world. But there is no person at present to fill his place, and raise the necessary supplies. We, indeed, help him in a degree; but are satisfied that the work of God, in those islands, would receive essential injury, on his secession from it. In Ireland, also, his assistance is peculiarly wanted. Military law has been established in that kingdom; but, through the Doctor's influence with the Government, protections have been obtained for the Preachers in every necessary case; and, by this means, the brethren in that kingdom have been enabled to proceed on the Itinerant Plan, no one making them afraid." * * * * *

" These reasons, beloved brethren, we think strongly call upon you not to insist, at present, on the Doctor's fulfilling his engagements. We have left it to his discretion, either to send or deliver this letter to you. But if he visit you at your General Conference, we earnestly desire his return, believing it will be for the glory of God. And if, at any future time, we have cause to think that the scale is turned in your favour, we shall not object to his devoting the remnant of his life to the work of God among our American brethren."—*British Minutes, Vol. II. pp. 31, 32.*

From the American to the British Conference, Baltimore, May, 1800.

" By Dr. Coke we have received your friendly and affectionate Address, and cordially rejoice with you in the prosperity of the Redeemer's kingdom, through your instrumentality, in the accession of so many thousands of souls to the Society in Europe.

" We have considered, with the greatest attention, the request you have made for the Doctor's return to Europe; and after revolving the subject in our minds, and spending part of two days in debating thereon, we still feel an ardent desire for his continuance in America, arising from the critical state of Bishop Asbury's health, the extension of our

work, our affection for, and approbation of, the Doctor, and his probable usefulness, provided he continue with us. We wish to detain him, as we greatly need his services. But the statement you have laid before us in your Address, of the success of the West-India Mission under his superintendence, the arduous attempt to carry the Gospel among the native Irish, requiring his influence and support, and the earnest request you have added to this representation,—‘Believing it to be for the glory of God,—have turned the scale at present in *your favour*. We have, therefore, in compliance with your request, *lent* the Doctor to you for a season; to return to us as soon as he conveniently can: but, at farthest, by the meeting of our next General Conference.

“ It affords us great pleasure to hear that the Divine presence has been so eminently with *you* at the last Conference; and, of consequence, that it was conducted with tranquillity and peace. The Spirit of our Jesus, is a spirit of union, is a spirit of love. Aided by the same grace, we are endeavouring to follow your pious example, in keeping the unity of the Spirit in the bond of peace; and entreat you, our elder and esteemed brethren, to accept our grateful thanks for the earnest request you have made to the God of love, that a large portion of the same Spirit may rest on us, which hath blessed you with peace and cord.

“ We have some great and glorious revivals in different parts of the United States, and a pleasing, growing prospect is before us. Our hearts are united to each other, to our brethren in Europe, and to all that love the Lord Jesus in sincerity. Wishing you peace and prosperity, an increase of number, and an increase of grace, we remain, with respect and esteem, with love and veneration, your Brethren in Christ Jesus.”—*British Minutes, Vol. II. pp. 197, 198,*

From the British to the American Conference, August, 1803.

“ Your kind Address from the General Conference, held at Baltimore, in May, 1800, to the British Conference, was affectionately received by us; believing, that though we are far distant in point of local situation, we are one in Christ our living Head, being subjects of the riches of Divine Grace, engaged in propagating the same ministry of reconciliation, and mutually zealous to promote the glory of God, in seeking the salvation of immortal souls.”

“ Respecting our much esteemed friend and brother, Dr. Coke, he is now preparing to leave Europe, in order to attend your General Conference, and we devoutly pray the Father of mercies to preserve him in safety, and that much of the Divine Presence may be among you.—Considering the state of our several Missions, and various other very forcible reasons that might be mentioned, we hope you will not think us unreasonable, in earnestly and unanimously requiring his return after your Conference. We do most sensibly feel what you say concerning

our dear friend and brother, Mr. Asbury, and, for your sakes, we anxiously desire his preservation among you, which we pray you may long enjoy."—*British Minutes*, Vol. ii. pp. 198, 199.

From the American to the British Conference, Baltimore, May, 1804.

"Your very kind and affectionate Address, from your Manchester Conference, dated August 5, 1803, was presented to us by our mutual friend and brother, Dr. Coke. We always have received, and hope we ever shall receive such Addresses from our European brethren, with the most cordial sentiments of Christian friendship: for it is our ardent wish that the European and American Methodists may improve and strengthen the bonds of Christian Union, and, as far as possible, reciprocally build each other up in the great and glorious work, in which they are both so arduously employed."

"With respect to our much esteemed friend, and beloved brother, Dr. Coke, he arrived among us last autumn, and was received by us with the sincerest sentiments of respect and affection. Since he came into these States, he has travelled about three thousand miles, visiting our principal Societies, and preaching to crowded assemblies of our citizens. His time, we trust, has been profitably and acceptably spent among us, and we hope agreeably to himself. Your request for his return was taken into our most serious and solemn consideration; and, after a full and deliberate examination of the reasons which you assigned in favour of his return, we have concluded that there is a probability of his being more eminently useful at present, in the way you point out, than for us to retain him, especially as our beloved brother Asbury now enjoys better health than he did some years ago; and as we believe, with the assistance he can receive from our esteemed brother Whatcoat, the work of superintending the Church and Societies, can be accomplished in the absence of Dr. Coke. We therefore have consented to the Doctor's return to Europe, upon the express condition that he will return to us at any time, when three of our Annual Conferences shall call him, or at farthest, that he shall return to our next General Conference.

"And now, dear brethren, we commend you to our common Lord, and to the Word of his Grace, hoping that you and we shall ever remain in the Unity of the Spirit, and bonds of Christian and Ministerial affection, until we meet together around the throne of God."—*British Minutes*, Vol. ii. pp. 243, 244.

From the American to the British Conference, May, 1820.

"With a sincere and earnest desire to establish and preserve the most perfect harmony and peace with you, our elder Brethren, we have adopted measures for opening such friendly intercourse as will, we devoutly pray, tend to the accomplishment of this desirable end.

"Situated so remotely from each other, and under different forms of civil government, it is believed that no mode of correspondence will so effectually unite the European and American Methodists as an interchange of Delegates from our respective Conferences."

"The bearer, the REV. JOHN EMORY, has been appointed our Delegate to your Body, and will be able to give you a more particular account of the work under our charge, and especially of our commencement and progress in the Missionary Cause."

"Most earnestly praying that the Methodists may be identified in their doctrine, experience, and practice in every part of the world, and that the Father of Lights may pour upon you, and upon us, the Spirit of Grace, and preserve us in the unity of the faith, and in the fellowship and peace of his Son Jesus Christ, we remain, Rev. and dear Brethren, most affectionately yours in the Gospel of our common Lord."—*British Minutes*, Vol. v. p. 169, 170.

From the British to the American Conference, August, 1820.

"We enclose to your care the Resolutions* passed by the Conference, after the Letters addressed to us by the *American General Conference*, and delivered by the Rev. JOHN EMORY, had been read and considered."

"From the statements made by Mr. EMORY as to the progress of the work of God in the United States, we have received the greatest satisfaction. We offered our united thanksgiving to God, that the doctrines of primitive Methodism, the preaching of which God has so eminently owned in the salvation of men, and the edification of believers, are not only continued among you in their purity, but have been so widely extended by your great and persevering efforts, and that the same holy discipline, in all its essential parts, continues whenever you form Societies, to guard and confirm the work which God has made to prosper in your hands."

"The Resolutions on the disputes in the Canadas, were adopted after a calm and patient consideration of the case, in which we were greatly assisted by Mr. EMORY. We hope that they will lead to a full adjustment of those disputes, and that the affection which exists between the two Connexions generally, will extend itself to the Brethren and Societies in the Canadas. This is the disposition which we shall earnestly inculcate upon those under our care in those Provinces; and we have full confidence that the same care will be taken by you to extinguish every feeling contrary to love, among those over whom you have control and influence."—*British Minutes*, Vol. v. pp. 170, 171.

* The following is the first of the Resolutions referred to:—

"That the Conference embrace with pleasure this opportunity of recognizing that great principle, which, it is hoped, will be permanently maintained,—That the Wesleyan Methodists are one body in every part of the world."—*British Minutes*, Vol. v. p. 155.

From the British to the American Conference, August, 1823.

"The time has arrived which calls us, in pursuance of a resolution unanimously passed in the Conference of 1820, held in Liverpool, to commission a deputation from our body to attend your ensuing General Conference, to convey to you the sentiments of our fraternal regard and affectionate attachment, and to reciprocate that kind and friendly office, which, on your part, was performed by the visit of one of your esteemed Ministers, the Rev. JOHN EMORY.

"The increased interest in your spiritual welfare, which the establishment of this mode of direct and official communication between the two great bodies of Methodists has naturally excited in us, and reciprocally, we believe, in you, is to us the first proof of its beneficial tendency, and a cheering indication of its future advantages. For why should the ocean entirely sever the branches of the *same family*; or distance of place, and distinct scenes of labour, wholly prevent that interchange of the sympathies of a spiritual relationship, which cannot but be felt by those who, under God, owe their origin to the labours of the same Apostolic man,—who bear testimony to the same great truths before the world,—and whose efforts to spread the savour of the knowledge of Christ, on our part through the British Empire, and on yours through the population of those rising States, which have derived their language, their science, and their protestantism from the same common source, Almighty God has deigned so abundantly to bless?"—*British Minutes*, Vol. v. p. 542.

From the American to the British Conference, May, 1824.

"In reciprocating the kind and affectionate sentiments contained in your message to us, sent by those whom you had chosen to be the Representatives of your Connexion, we feel an indescribable pleasure. Many are the associations that press upon us, and the emotions that affect us, in this pleasant interchange of affectionate regards. We look to England as the birth-place of that man, who, under the guidance of ALMIGHTY GOD, was the founder of a great and flourishing Church.—It was there the infant Societies were nourished, and it was thence the word of GOD was sounded forth even unto us. After we had flourished for some time under your fostering care, a mysterious Providence led to a separation of our Societies in this country from the parent connexion. But the scion that was planted here has been watered and blessed of GOD, and although, probably, still inferior in solidity and strength, yet, in the number and extent of its branches, it vies with the parent-stock."

"We are, with you, dear Brethren, endeavouring to maintain the purity of our doctrines, and are not conscious that we have suffered any of them to be adulterated in our hands. As they are the doctrines which have proved to so many, both in Europe and America, the power

of GOD unto salvation, we deem them to be the Gospel of GOD our Saviour ; and while he owns them we will never give them up. With you too, we prize and practically vindicate the general rules of the Connexion, and the primitive institutions and usages of Methodism. We are also following you, though at a humble distance, in your Missionary exertions."—*British Minutes*, Vol. v. pp. 544, 545.

From the American to the British Conference, April, 1827.

"We rejoice exceedingly in the assurance that the Methodists, as a people, whether in Europe or America, are of one heart, and one mind, striving together for the faith of the Gospel, and labouring to keep the unity of the Spirit in the bond of peace.

"Our British brethren are peculiarly endeared to us, in view of that great and blessed revival of evangelical religion which has already extended its influence to the four quarters of the earth, and to the islands of the sea ; especially when we consider ourselves, and hundreds of thousands upon this Continent, as the fruits of this revival."—*British Minutes*, Vol. VI. p. 306.

From the British to the American Conference, August, 1827.

"For your letter of April 4th, duly received, and presented to the Preachers assembled in our Conference, we beg to express our sincere and affectionate acknowledgments. Widely as we are separated from each other in local situation, we are still the same in doctrine, spirit, and purpose ; and, by the sacred ties of pastoral charity, are bound together as parts of one extended whole."—*British Minutes*, Vol. VI. p. 308.

From the American to the British Conference, May 1828.

"To stimulate us to diligence in this most sacred of all causes, the bright example of your persevering efforts in the cause of God is placed before us. Deriving our doctrines from the same great fountain of truth, the holy Scriptures, and admitting the same medium of interpretation, the venerated WESLEY, and his coadjutors, and, as we humbly hope, pursuing the same great objects, the present and future salvation of souls, we desire ever to cultivate with you the closest bond of union, and Christian fellowship."

"Recollecting the Christian deportment, the ministerial gravity and dignity, and, what is more endearing to us, the brotherly affection of your late delegate to our Conference, the REV. RICHARD REECE, and his amiable companion, the REV. JOHN HANNAH, both of whom have left a sweet savour behind them, we take much pleasure in giving to you the

renewed assurance of our unabated attachment to those doctrines and that discipline by which both you and we are distinguished, to set our seal to the maxim, that "the Wesleyan Methodists are one throughout the world;" and also our desire that the intercourse between us, by the mutual exchange of delegates, may be kept up and continued, and that, as a means of our edification and comfort, we shall be happy to receive whomsoever you may appoint to visit us at our next session."—*British Minutes*, Vol. VI. pp. 422, 424.

From the British to the American Conference, August 1828.

"Of the mutual advantages which arise from an interchange of brotherly remembrances by personal deputation we are gratefully sensible. This is a public declaration that the union which subsists between us, notwithstanding distance of situation, and diversity of labour, is close and unbroken. It delightfully reminds us that we are *brethren*, pursuing the same designs, publishing the same vital doctrines in the same language, and witnessing similar triumphs of truth, and order and happiness, on each side of the Atlantic.

"We congratulate you on the superiority which you have hitherto maintained over that opposition which is directed against the established constitution of Methodism,* and which, whatever its promoters may declare to the contrary, is too evidently calculated to confound all spiritual and temporal distinctions, to fill the church with secularity and strife, and to retard the progress of religion in the earth. Often has our Connexion in this country been assailed by similar opposition; but as yet, by the "good hand of our God upon us," without very serious or permanent injury. For the manifestation of pastoral care and affection in all our conduct, we would ever be solicitous; but we are fully persuaded that this is strictly consistent with that "godly discipline, which has been found in all ages so essential to the peace and prosperity of Christian Societies. To adopt the language of the "Committee on Petitions and Memorials," whose report was unanimously accepted by your late General Conference, "the great Head of the Church himself has imposed on us the duty of preaching the Gospel, of administering its ordinances, and of maintaining its moral discipline among those over whom the Holy Ghost, in these respects, has made us overseers. Of these also, viz., of Gospel doctrines, ordinances, and moral discipline, we do believe that the divinely instituted ministry are the divinely authorized expounders; and that the duty of maintaining them in their purity, and of not permitting our ministrations, in these respects, to be authoritatively controlled by

* The "opposition against the established constitution of Methodism," here referred to, was a deeply laid scheme,—which was most vigorously pursued for some years by a large party in the American Methodist Church—to introduce *lay delegation* into Conference. The views of both the British and American Connexions are here conjointly expressed on that subject in forcible and eloquent language.

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others, does rest upon us with the force of a moral obligation, in the due discharge of which our conferences are involved."—*British Minutes*, Vol. VI. pp. 425, 426, 427.

In conclusion,—after an attentive examination of the organization of the American Methodist Church—its standards of doctrine—the actual, avowed, and acknowledged powers of the General Conference—the facts relative to DR. COKE—the mutual declarations of the British and American Conferences for a period of thirty-two years,—it is submitted, whether the Methodists in Europe and America are to be viewed as "different denominations" or churches, or as one church ; and whether it is a violation of any principle or rule of Methodism for the two or three Connexions to agree to the annual appointment of a Superintendent by the one for the other, or to such an arrangement as is contained in the *Articles of Union* between the British and Canadian Conferences ?